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WARTA KERAJAAN PERSEKUTUAN

FEDERAL GOVERNMENT GAZETTE

PERATURAN-PERATURAN SURUHANJAYA PENERBANGAN MALAYSIA (KOD KELAKUAN) 2018

MALAYSIAN AVIATION COMMISSION (CODE OF CONDUCT) REGULATIONS 2018

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AKTA SURUHANJAYA PENERBANGAN MALAYSIA 2015
PERATURAN-PERATURAN SURUHANJAYA PENERBANGAN MALAYSIA
(KOD KELAKUAN) 2018

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AKTA SURUHANJAYA PENERBANGAN MALAYSIA 2015

PERATURAN-PERATURAN SURUHANJAYA PENERBANGAN MALAYSIA
(KOD KELAKUAN) 2018

PADA menjalankan kuasa yang diberikan oleh seksyen 15 dan perenggan 98(2)(d) Akta Suruhanjaya Penerbangan Malaysia 2015 [*Akta 771*], Suruhanjaya membuat peraturan-peraturan yang berikut:

BAHAGIAN I

PERMULAAN

Nama

1. Peraturan-peraturan ini bolehlah dinamakan **Peraturan-Peraturan Suruhanjaya Penerbangan Malaysia (Kod Kelakuan) 2018**.

Tafsiran

2. Dalam Peraturan-Peraturan ini, melainkan jika konteksnya menghendaki makna yang lain—

“anggota” ertinya—

- (a) anggota Suruhanjaya yang dilantik di bawah subseksyen 5(1) Akta;
- (b) anggota silih ganti Suruhanjaya yang dilantik di bawah subseksyen 6(1) Akta; dan
- (c) anggota jawatankuasa yang ditubuhkan di bawah subseksyen 12(1) atau 71(1) Akta;

“anggota keluarganya”, berhubung dengan anggota, termasuklah—

- (a) suami atau isterinya;

- (b) ibu atau bapanya termasuklah ibu atau bapa suami atau isterinya;
- (c) anaknya termasuklah anak angkatnya atau anak tirinya;
- (d) adik-beradiknya termasuklah adik-beradik suami atau isterinya; dan
- (e) suami atau isteri anaknya, atau adik-beradiknya;

“Jawatankuasa” ertinya Jawatankuasa Audit dan Risiko yang ditubuhkan di bawah subseksyen 12(1) Akta;

“sekutu”, berhubung dengan anggota, ertinya—

- (a) orang yang merupakan penama atau pekerja anggota itu;
- (b) firma yang anggota itu atau mana-mana penamanya merupakan seorang pekongsinya;
- (c) pekongsi anggota itu;
- (d) pemegang amanah sesuatu amanah yang di bawahnya anggota atau seorang anggota keluarganya merupakan seorang benefisiari; atau
- (e) mana-mana perbadanan mengikut pengertian Akta Syarikat 2017 [Akta 777], yang anggota itu atau mana-mana penamanya atau seseorang anggota keluarganya ialah seorang pengarah atau mempunyai pemegangan syer yang substansial dalam perbadanan itu;

“suapan” ertinya—

- (a) wang, derma, pemberian, pinjaman, fi, hadiah, cagaran berharga, harta atau kepentingan mengenai harta, iaitu apa-apa jenis harta sama ada alih atau tak alih, faedah kewangan, atau apa-apa manfaat seumpama itu yang lain;

- (b)* apa-apa jawatan, kebesaran, pekerjaan, kontrak pekerjaan atau perkhidmatan, dan apa-apa perjanjian untuk memberikan pekerjaan atau memberikan perkhidmatan atas apa-apa sifat;
- (c)* apa-apa bayaran, pelepasan, penunaian atau penyelesaian apa-apa pinjaman, obligasi atau liabiliti lain, sama ada keseluruhannya atau sebahagian daripadanya;
- (d)* apa-apa jenis balasan berharga, apa-apa diskaun, komisen, rebat, bonus, potongan atau peratusan;
- (e)* apa-apa perbuatan menahan diri daripada menuntut apa-apa wang atau nilai wang atau benda berharga;
- (f)* apa-apa jenis perkhidmatan atau pertolongan lain, termasuk perlindungan daripada apa-apa penalti atau ketidakupayaan yang dikenakan atau yang dikhuatiri atau daripada apa-apa tindakan atau prosiding yang bersifat tatatertib, sivil atau jenayah, sama ada atau tidak sudah dimulakan, dan termasuk penggunaan atau menahan diri daripada menggunakan apa-apa hak atau apa-apa kuasa atau kewajipan rasmi; dan
- (g)* apa-apa tawaran, aku janji atau janji, sama ada bersyarat atau tidak bersyarat, untuk memberikan suapan mengikut pengertian mana-mana perenggan *(a)* hingga *(f)*.

BAHAGIAN II

KEWAJIPAN UNTUK MEMATUHI KOD KELAKUAN

Kewajipan untuk mematuhi kod kelakuan

3. (1) Seseorang anggota hendaklah mematuhi kod kelakuan sebagaimana yang ditetapkan dalam Peraturan-Peraturan ini.

(2) Apa-apa pelanggaran kod kelakuan sebagaimana yang ditetapkan dalam Peraturan-Peraturan ini yang dikatakan hendaklah dirujuk kepada Panel Tatatertib mengikut seksyen 16 Akta.

BAHAGIAN III KOD KELAKUAN

Mendukung integriti dan kebebasan Suruhanjaya

4. (1) Seseorang anggota hendaklah berkelakuan dengan integriti dan meletakkan kepentingan awam mendahului kepentingan peribadinya dengan tujuan untuk memperoleh kepercayaan dan keyakinan awam terhadap Suruhanjaya.

(2) Seseorang anggota hendaklah menjalankan fungsinya di bawah Akta secara bebas dan objektif, dan bebas daripada apa-apa pengaruh luar.

(3) Seseorang anggota hendaklah menjalankan apa-apa budi bicara yang diberikan kepadanya oleh Akta secara *bona fide*.

Memastikan kebertanggungjawaban dan ketelusan Suruhanjaya

5. (1) Seseorang anggota hendaklah berkelakuan dengan kebertanggungjawaban dan hendaklah menghadapi penelitian awam bagi apa-apa keputusannya dalam pelaksanaan fungsinya di bawah Akta.

(2) Seseorang anggota hendaklah telus dalam membuat keputusan, berinteraksi dengan mana-mana pihak yang berkepentingan bagi Suruhanjaya dan dalam mengambil apa-apa tindakan lain dalam pelaksanaan fungsinya di bawah Akta.

(3) Dalam keadaan jika seseorang anggota mempunyai keraguan tentang penerimaan sesuatu tindakan tertentu dalam pelaksanaan fungsinya di bawah Akta, dia hendaklah, sebelum mengambil tindakan itu—

(a) dalam hal Pengerusi Eksekutif, merujuk perkara itu dengan serta-merta kepada pengerusi Jawatankuasa; dan

(b) dalam hal anggota lain, merujuk perkara itu dengan serta-merta kepada Pengerusi Eksekutif.

Mengelakkan konflik kepentingan

6. (1) Seseorang anggota tidak boleh memajukan kepentingan peribadinya sehingga menjejaskan Suruhanjaya.

(2) Seseorang anggota hendaklah mengelakkan apa-apa konflik kepentingan dalam pelaksanaan fungsinya di bawah Akta.

(3) Seseorang anggota hendaklah menjauhi dirinya daripada terlibat dengan apa-apa urusan kewangan atau perniagaan, sama ada dengan sendiri atau bagi pihak anggota keluarganya atau sekutunya, yang boleh mengganggu pelaksanaan wajar fungsinya di bawah Akta.

Larangan meminta dan menerima suapan

7. Seseorang anggota tidak boleh dengan sendiri, atau bersama dengan mana-mana orang lain, meminta atau menerima apa-apa suapan—

(a) daripada mana-mana penyedia perkhidmatan penerbangan, sama ada atau tidak ia dalam pelaksanaan fungsinya di bawah Akta; dan

(b) daripada mana-mana orang lain dalam pelaksanaan fungsinya di bawah Akta.

Larangan menyediakan pemberian

8. (1) Tertakluk kepada subperaturan (2), anggota tidak boleh menyediakan apa-apa pemberian—

- (a) kepada mana-mana penyedia perkhidmatan penerbangan, sama ada atau tidak penyediaan pemberian itu adalah dalam pelaksanaan fungsinya di bawah Akta; dan
- (b) kepada mana-mana orang lain dalam pelaksanaan fungsinya di bawah Akta.

(2) Walau apa pun subperaturan (1), tiada pelanggaran kod kelakuan jika pemberian itu mempunyai logo rasmi Suruhanjaya dan disediakan bagi tujuan yang berikut:

- (a) sebagai cenderamata atau tanda hormat kepada mana-mana orang semasa apa-apa lawatan rasmi Suruhanjaya; dan
- (b) sebagai token penghargaan kepada mana-mana orang sebagai sebahagian daripada atau sempena dengan apa-apa majlis, acara atau sambutan rasmi Suruhanjaya.

Penggunaan aset, kemudahan, perkhidmatan, dsb., Suruhanjaya

9. (1) Tiada mana-mana anggota boleh menggunakan apa-apa aset, kemudahan, perkhidmatan atau sumber lain Suruhanjaya kecuali bagi maksud pelaksanaan fungsinya di bawah Akta dan melainkan jika dibenarkan oleh Suruhanjaya.

(2) Seseorang anggota hendaklah menggunakan dan menguruskan apa-apa aset, kemudahan, perkhidmatan atau sumber lain Suruhanjaya secara berkesan, cekap dan berhemat untuk mengelakkan apa-apa kesan yang memudaratkan kepada reputasi Suruhanjaya.

(3) Seseorang anggota hendaklah mengambil langkah yang perlu untuk mencegah apa-apa penyalahgunaan, kehilangan atau kerosakan kepada apa-apa aset, kemudahan, perkhidmatan atau sumber lain Suruhanjaya.

(4) Seseorang anggota tidak boleh, tanpa kebenaran bertulis terdahulu Suruhanjaya—

(a) menggunakan apa-apa aset, kemudahan, perkhidmatan atau sumber lain Suruhanjaya bagi maksud persendirian atau manfaat peribadi; atau

(b) meminjamkan, memberikan atau selainnya melupuskan apa-apa aset, kemudahan, perkhidmatan atau sumber lain Suruhanjaya.

(5) Seseorang anggota hendaklah memulangkan semua aset, kemudahan dan sumber lain Suruhanjaya yang disediakan untuknya dalam masa dua minggu apabila terhentinya tempoh jawatannya, atau pada bila-bila masa lain sebagaimana yang ditentukan oleh Suruhanjaya.

Penggunaan maklumat

10. Seseorang anggota tidak boleh menggunakan apa-apa maklumat yang diperolehnya dalam pelaksanaan fungsinya di bawah Akta bagi manfaat peribadinya, atau bagi manfaat anggota keluarganya atau sekutunya.

Dibuat 7 Mei 2018

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

JENERAL TAN SRI DATO' SRI ABDULLAH BIN AHMAD (B)
Pengerusi Eksekutif
Suruhanjaya Penerbangan Malaysia

MALAYSIAN AVIATION COMMISSION ACT 2015

MALAYSIAN AVIATION COMMISSION (CODE OF CONDUCT) REGULATIONS 2018

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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