

The question for the minister
Malaysiakini.com
September 28, 2010

The Education Minister was reportedly asked why he has failed to take disciplinary action against the two recalcitrant principals of government Schools. His answer was that that action was not within his jurisdiction.

Media watcher and observer Rolls Royce then wrote a comment in the comments section of that *Malaysiakini* article requesting that I should attempt a perspective since I am always commenting on public service misdemeanours.

Thanks for the request RR and this is my humble attempt. But first I must comment that "I may be out of my limits in terms of detailed knowledge" as I was only in the PTD service but never in the teachers services; which is jurisdictionally under a different commission.

Setting the context right

The federal constitution defines the public services as permanent employees under the public services and who are ultimately responsible to the head of state, and not just to the government of the day. Therefore, in the British parlance, they sign off, 'I, your obedient servant of His/Her Majesty'. In Malaysia these histories are being localised; some for the worse.

In the last 20 years, our public services have grown and separate services commissions have been set up for all the different and necessary professional services. For example, there is an Armed Forces Council for the military, a Police Services Commission for the police force, and a Teachers Services Commission.

Nonetheless, I think for all rules and regulations related to the public services (HRD function) and the treasury instructions (Financial management procedures), the two key responsible authorities are the Public Services Department and the Head of Treasury.

They are both guided by laws and regulations for both these functions. They issue all the needed and necessary circulars related both to these public service responsibilities and all resultant accountabilities. Non-compliance in any of their concerns, both managerial and financial, are for the auditor-general to highlight *vide* the audit report which is tabled annually in Parliament.

'Final focus of responsibility'

As for the Education Minister's reported "out of my jurisdiction" argument, what is my view then? The first and maybe the more important principle is what the Cabinet Ministers Portfolio Act says about the limits of the minister's so-called jurisdiction, and more importantly resultant responsibilities. I believe ministers are the final and ultimate focus of responsibility under their defined jurisdiction; in the case of their portfolios.

What then is the difference between the minister, who is the politically the responsible authority, and the director-general of education and his (happens to be a guy yet, and I am still waiting to see them appoint a lady) role and responsibilities. The minister is fully responsible for the "policies of governance of the education portfolio" and the DG is fully

responsible for all execution related to existing policies and procedures.

Above the DG is the secretary-general who is a PTD officer and policy adviser who helps the minister with policies in all areas related to the management of the education portfolio; both the content of the education portfolio (*vis-à-vis* other portfolios), and the processes related to the education portfolio. He is also the chief financial officer of the ministry and therefore fully responsible for all financial management and accountability procedures and reporting.

What then is the real question?

Was the journalist's question to the minister a good one? I do not think so. Therefore, what I would rather ask the minister *vide* this article is to answer my following question instead:

"Minister, is it because you have publicly declared you are Melayu First that the principals find courage to 'make ethnically derogatory statements against our own Anak Bangsa Malaysia?' Therefore minister, is yours a public policy statement or do you expect your principals to adhere fully to the spirit of the federal constitution that discrimination cannot be tolerated in any form other than *vide* Article 153, as the only special provision?"

World famous management guru Peter Drucker always held to the thesis, "learning to ask the right question is the most important management principle". Now, if the above was the question, consequentially the responsibility for the answer directly falls upon both the secretary-general (a PTD officer) and the DG (a professional teacher) of education, and not the minister; who is only a politician.

Then the due process of verifying whether there was an explicit form of discrimination and whether disciplinary action should be taken becomes an important related issue. Once a *prima facie* case is established, then the internal disciplinary board can request that a disciplinary procedure is instituted and a charge sheet is framed.

The board can then hear all sides and make an informed decision. There is even a due process for an appeal if those punished are not happy with the punishment. The judicial system eventually can still become the final arbiter, if all else fails.

My views

The Education Minister must accept the fact that his party is the lead party in the ruling coalition. That makes for even more responsibilities. How can BN partners be so extremely upset with the "ethnically biased comments" and the or SG or DG have not taken actions steps to address the related issue? My concern addresses the credibility of Umno's leadership and their moral authority for good governance.

As Education Minister, let me remind the minister he is not just Malay but really the only Education Minister for the government of Malaysia; a nation under the Rule of Law principle enshrined in our constitutional governance system.

The nation is now called Malaysia and it is no more a Persekutuan Tanah Melayu of federated and non-federated states and Straits Settlements. Malaysia has a federal constitution and all Malaysian citizens are fully protected under this constitution especially against bigotry and discrimination.

My advice to the minister is simply to call up the two principals and give them "a verbal dressing down" and ask them to write an administrative policy paper on why good

governance is especially related to positive affirmation and negative discrimination in the educational services and especially within the school systems.

No other disciplinary action is really needed; as leadership is always by example and values are caught and never taught. Then reassign them both to the Institut Aminuddin Baki to teach other principals how not to do things.

May God bless Malaysia with truths that matter!

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Source : <http://www.malaysiakini.com/news/143820>