

Penyampai : TAN SRI DATO SERI AHMAD SARJI BIN ABDUL HAMID  
Tajuk : ESEI - CIVIL SERVICE DISCIPLINE  
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The conduct of all civil servants is subject to the laws of the land. Civil servants must abide by the ordinary civil and criminal laws that apply to all citizens. There are, in addition, particular statutes like the Official Secrets Act 1988 which restrict the disclosure of official information.

A professional value which all civil servants must hold dearly to is the ethic of secrecy and confidentiality of official information. It is an offence under the Prevention of Corruption Act, 1957 for a civil servant corruptly to accept any gift or consideration or an inducement or reward, and there have been many prosecutions under this Act. There are, in addition to such laws, many other written rules regarding the conduct of civil servants.

The exercise of authority by civil servants affecting individual or other interests must rest on legitimate and legal foundations. For example, powers exercised by civil servants must be derived directly or indirectly from the statutes, administrative or delegated powers. The conduct of civil servants is also susceptible to the scrutiny of judicial reviews. Since civil servants owe obedience to the law, the precise nature and scope of a civil servant's legitimate obligations must be clear, proper and in accordance with the law, rules and regulations. It is for this reason that the Government has formulated a precise code of conduct for civil servants which set out a number of general principles which apply to all members of the civil service, such as the avoidance of conflict between official duty and private interests; refraining from private activities that might bring discredit to the public service; honesty not only in fact, but also conduct that does not lay one open to suspicion of dishonesty; maintenance of a proper reticence on matters of public and political controversy, so that one's impartiality is beyond question. There has been from time to time a penumbra of uncertainty about the parameters of civil service conduct. This book is an attempt to clear this uncertainty. The civil service in Malaysia is no longer an isolated institution. The Malaysia Incorporated Concept has taken in a number of new dimensions. Selected officers may participate in attachment programs in companies chosen by the respective chambers of commerce and industry and by multi-national companies. There is participation by civil servants in seminars, workshops, conferences, dialogues and in games and sports organized by the private sector and vice versa. The potential benefits of the attachment programs is to provide opportunities for civil servants to gain managerial and entrepreneurial experience outside the bureaucracy and to enable their departments to benefit from the knowledge and expertise acquired by the officers. It is important that civil servants should be seen to be above any suspicion of impropriety. A tight code of conduct is required to prevent the erosion of public confidence in the traditional impartiality of the civil service, especially in a world where the public and private sectors increasingly interpenetrate.

Senior civil servants are now publicly identified by the media. They are regularly named and sometimes profiled. On occasions, serving officials have also dropped their masks and discuss their work with the media, on such issues as their departments' competences and accountability. So the civil service must at all times be proper and professional in their work. Senior civil servants are vested with a lot of authority under the various laws of the country. Some are vested with regulatory powers on commerce and industry, on security etc. In the exercise of their powers, they should establish criteria for decision-making so that their decisions can be defended; so that there will be uniformity in dealing with their clients. Civil servants must perform in accordance with the rules and regulations, and procedures. If the rules, regulations and procedures are dilatory and inhibitive to commerce and industry, the legitimate channel for review is the various Malaysian Incorporated Consultative Committees, through dialogues with Ministries and departments, and through other proper channels, and, recommendations can be made to the Government.

The questionable reliability of civil servants to the public interest can be a factor contributing to the institutional weakness of the civil service. The private sector should be interested in an incorruptible and disciplined civil service. There can be no corrupt officials without those who corrupt them.

I am pleased, as head of the civil service, to provide this note on an important subject, that is, upholding the integrity of the Malaysian public service. It is of particular importance in the civil service for officials to strive to maintain standards of behaviour that reflect their duty to the public. Our civil service has a solid bedrock of tried and tested ethical principles. The publication of this book is timely as it coincides as well with the coming into force of the new Public Officers (Conduct and Discipline) Regulations 1993 to replace the old Public Officers (Conduct and Discipline) Chapter 'D' General Orders 1980.