

**THEMATIC COMPILATION OF RELEVANT INFORMATION SUBMITTED  
BY MALAYSIA**

**ARTICLE 7, PARAGRAPH 4 UNCAC**

**CONFLICT OF INTEREST**

**MALAYSIA (THIRD MEETING)**

States parties are encouraged to focus in particular on their implementation of policies and measures relating to conflicts of interest, the reporting of acts of corruption and the use of asset declarations.

Malaysia has policies/measures in the form of Laws, regulations, Public Service circulars cited and summarized in paragraph 2.1 below.

2.1 Regulation 4 (2) of the Public Officers (Conduct and Discipline) Regulation 1993

An officer shall not:-

- a. Subordinate his public duty to his private interest;
- b. Conduct himself in such manner as is likely to bring his private interest into conflict with his public duty;
- c. Conduct himself in any manner likely to cause reasonable suspicion that-
  - I. He has allowed his private interest to come into conflict with his public duty so as to impair his usefulness as a public officer; or
  - II. He has used his public position for his personal advantage;
- d. Conduct himself in a such a manner as to bring the public service into disrepute or bring discredit to the public service;
- e. Bring or attempt to bring any form of outside influence or pressure to support or advance any claim relating to or against the public service, whether the claim is his own or that of any other officer.

ii. Sec 23 of the Malaysian Anti-Corruption Commission Act 2009 (Act 694)-Offence of using office or position for gratification:-

23. (1) Any officer of a public body who uses his office or position for any gratification whether for himself, his relative or associate, commits an offence.

(2) For the purposes of subsection (1), an officer of a public body shall be presumed, until the contrary is proved, to use his office or position for any gratification, whether for himself, his relative or associate, when he makes any decision, or takes any action, in relation to any matter in which such officer, or any relative or associate of his, has an interest, whether directly or indirectly.

(3) For the avoidance of doubt, it is declared that, for the purposes of subsection (1), any member of the administration of a State shall be deemed to use his office or position for gratification when he acts contrary to subsection 2(8) of the Eighth Schedule to the Federal Constitution or the equivalent provision in the Constitution or Laws of the Constitution of that State.

(4) This section shall not apply to an officer who holds office in a public body as a representative of another public body which has the control or partial control over the first-mentioned public body in respect of any matter or thing done in his capacity as such representative for the interest or advantage of that other public body.

iii. Treasury Instruction No 197 (3)

Any officer who has vested interest in the Quotation / Tender exercise is required to declare his/her interest and to dismiss him or herself in writing.

iv. Prime Minister's Guide 8 March 2010: Action Guide Lines with regards to Lobbying by Government Leaders, Influential or Other persons on Official Matters.

A guide to define parameters of support letters and/ or other medium of communication, to deter undue influence by individuals on decision making process of public officials in procurement, human resources management, application of license/permits, loan, scholarship, citizenship etc.

v. Treasury Circular letter No 11 of 1995: Guidelines On Overseas Trips Due To Government Procurement

A circular setting out conditions and procedures to be complied with in regards to overseas trips (for training/ plant inspection/ tender assessment) sponsored by suppliers or firms in connection with contracts awarded.

vi. Letter of Undertaking by Public Officials –Regulation 19 of the Public Officers Regulations (Appointment, Promotion, and Termination) 2005.

A mandatory requirement for all public officials appointed by the Government to abide the provisions of the Public Officers (Conduct and Discipline) Regulation 1993, General Orders, Service Circulars, Circular Letters, Regulation and others rules issued by His Majesty The King from time to time.

Conflicts of interest are deterred by enforcing the following measures:

- i. Enforcement of Regulation 4 (2) of the Public Officers (Conduct and Discipline) Regulation 1993;
- ii. Enforcement of Sec 23 of the Malaysian Anti-Corruption Commission Act 2009 (Act 694)- Offence of using office or position for gratification;
- iii. Treasury Instruction No 197 (3);
- iv. Compliance with the Prime Minister's Guide on defining parameters of support letters to deter undue influence by individuals on decision making process of public officials in procurement;
- v. Compliance with Treasury Circular letter No 11 of 1995: Guidelines On Overseas Trips Due To Government Procurement;
- vi. The execution of Letter of Undertaking by Public Officials to abide the Public Officers.

(Conduct and Discipline) Regulation 1993, General Orders, Service Circulars, Circular Letters, Regulation and others rules issued by His Majesty The King from time to time