

## **COMPLAINT CHANNEL**

### **CRIMINAL MISCONDUCT ON CORRUPTION AND DISCIPLINARY ISSUES**

#### **1. What is corruption?**

Any acceptance or giving of gratification as an inducement or reward for doing or forbearing to do any act in relation to his official duties or his principal's affairs/ business.

Gratification consists of money, gifts, property, bonuses, discounts, commissions, offices, contract jobs, services and others as legally interpreted under Section 3 of the Malaysian Anti-Corruption Commission Act 2009 (MACC Act 2009).

#### **2. Corruption Offences**

Corruption offenses under the MACC Act 2009 comprise of the following:-

- i. Section 16 (a) - any person corruptly solicits or accepts or agrees to accept for himself or for any other person any gratification.
- ii. Section 16 (b) - any person corruptly gives, promises or offers to any person any gratification.
- iii. Section 17 (a) - as an agent corruptly accepts or obtains any gratification
- iv. Section 17 (b) - to give or offer a bribe to any agent
- v. Section 18 - produce any receipt, account or document containing any statement which is materially false or erroneous or defective with intention to mislead the principal
- vi. Section 23 (1) - an officer of a public body using his/ her office or position for any gratification

On conviction, Section 24 of the same Act provides for an imprisonment for a term not exceeding twenty (20) years and a fine of not less than

five (5) times the sum or value of the gratification which is the subject matter of the offence or RM10,000 whichever is higher.

### **3. Duty to report corruption transactions**

- i. Section 25 (1) of the MACC Act 2009 states that any person who is given, promised or offered any bribe to violate the provisions of the Act shall report such gift, promise or offer. Failure to comply with this section is an offense under section 25 (2) of the same Act and upon conviction shall be liable to a fine not exceeding RM100,000 or an imprisonment not exceeding ten (10) years or both.
- ii. Section 25 (3) of the MACC Act 2009 states that any person of gratification has been solicited or obtained or attempted to obtain the feed should be made as early as possible to report the matter. Failure to comply with this section is an offense under section 25 (4) of the same Act and on conviction be liable to a fine not exceeding RM10, 000 or imprisonment not exceeding two (2) years or to both.

### **4. Protection of informers**

- i. Section 65(1)(2) of the MACC Act 2009 provides a protection for whistleblowers in such a way that the content of the information provided by the informers shall not be disclosed by any person, which includes protection from being required to disclose such an information in any civil, criminal or other proceedings in any court, tribunal or other authority.
- ii. An informant may be granted a protection under the Whistleblower Protection Act 2010
- iii. An informant who also stands as a witness in a trial of a corruption case may be granted a protection under the Witness Protection Act 2009

### **5. What constitutes disciplinary misconducts?**

Any act of misconduct of a non-crime in nature as follows:

- i. An act of misconduct which violates the code of conduct prescribed under the Public Officers (Conduct and Discipline) Regulations 1993 and any other regulations that are in force;
- ii. Abuse of power of any non-compliance in the course of the provision of the law, the resolution procedures or other regulations in force;
- iii. An act of negligence in the performance or execution of works, assigned tasks or official instruction.

## 6. How to channel complaints?

The public or the officers and staff of the Ministry of Transport Malaysia or agencies under the Ministry of Transport Malaysia can lodge a complaint concerning incidence of corruption or disciplinary misconduct to the Integrity Unit by:

- i. Present himself to the **Integrity Unit, Ministry of Transport Malaysia** located at the following address;  

Level 6, No. 26, Jalan Tun Hussein,  
Presint 4,  
Federal Government Administrative Centre,  
62100 Putrajaya.
- ii. Submit a letter to the abovestated address;
- iii. Using the e-Integrity channel via [www.mot.gov.my](http://www.mot.gov.my)
- iv. Send an email to [integrity@mot.gov.my](mailto:integrity@mot.gov.my);
- v. Call **03-8892 1066** and Fax: **03-8888 0213**