

## DEPARTMENT OF CIVIL AVIATION

### **ANTI-CORRUPTION POLICY**

#### **1.0 Introduction**

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- 1.1 The Department of Civil Aviation is a Government organisation operating under the aegis of the Prime Minister's Office (External Communications Division) and its main functions are as follows:
- To foster the development of safe, secure, regular and efficient civil aviation operations;
  - To regulate and promote civil aviation activities in Mauritius;
  - To provide safe and efficient air navigation services within our airspace; and
  - To serve the interests of the Mauritian community at large.
- 1.2 The very "raison d'être" of the Department of Civil Aviation, being to ensure the safety and security of civil aviation activities, leaves us with no margin for errors/mistakes. Thus, in the decision – making process, the Department of Civil Aviation has no option than to address issues professionally, based strictly on technical and operational considerations, and applying them with fairness, integrity and discipline- as enshrined in Our Customer Charter;
- 1.3 In order to competently discharge the heavy responsibilities conferred upon through the Civil Aviation Act 1974 and by the Civil Aviation Regulations 2007, Civil Aviation (Security) Regulations 2008, Civil Aviation (Hijacking and other Offences) (Amendment Act 2007) and Plaisance Airport (Building Restrictions) Act 1964, the Department of Civil Aviation is committed to working within a framework that promotes a sustainable and sound anti-corruption environment focusing on its "raison d'être";
- 1.4 The Department of Civil Aviation Department recognises that the risk of corruption is present and may occur in the organisation. It is committed to maintain the highest level of integrity in the conduct of its affairs through the adoption of and adherence to corruption prevention strategies in the organisation; and
- 1.5 This anti-corruption policy sets out the full commitment of the Department of Civil Aviation for the deterrence and detection of corruption and for adherence to a culture of integrity.

## **2.0 Statement of Intent**

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- 2.1 The Department of Civil Aviation shall not tolerate corruption in the administration of its responsibilities, whether within or in relation to the organization. It expects the highest standards of conduct from staff, management and board members and those who have dealings with the organisation (governmental and non-governmental) including stakeholders and the general public. It is committed to ensuring that the risks of corruption and the potential losses that might result are minimised; and
- 2.2 The ethical standards are the principles that govern the staff behaviour and actions and they identify behaviour that is acceptable and unacceptable. These are the standards:
- put the interests of the public above their own interests;
  - are open and truthful;
  - take decisions based on analysis of all of the evidence and the application of their expert judgement to all relevant factors;
  - act only in accordance with the merits of the case;
  - act in a way that is professional and deserves and retains the confidence of all those with whom they have dealings;
  - treat all information they give or receive with care, making sure that they understand and respect its confidentiality, use it only for lawful purposes and manage it properly and securely;
  - do not misuse their official position;
  - do not allow their past experience, personal interests, or specialist knowledge to pre-determine the outcome of any matter;
  - are not influenced by improper pressures or the prospect of personal gain;
  - do not ignore inconvenient facts or relevant matters; and
  - do not unjustifiably favour or discriminate against any individual, organisation or interest.

### **3.0 Policy Statement**

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- 3.1 The Department of Civil Aviation is committed to promoting and adhering to the highest standards of probity, transparency and accountability in the operation and management of the organisation. Through this policy the organisation engages itself to fully and unequivocally adopt a zero-tolerance stance towards corruption and other malpractices and shall ensure compliance with the anti-corruption legislation; and
- 3.2 The following legal instruments and administrative requirements shall be complied with and form the basis of this Policy:
- Civil Aviation Act 1974;
  - Civil Aviation Regulations 2007;
  - Civil Aviation (Security) Regulations 2008;
  - Civil Aviation (Hijacking and other Offences) (Amendment Act 2007);
  - Civil Aviation (Amendment) Regulations 2010;
  - Plaisance Airport (Building Restrictions) Act 1964;
  - Prevention of Corruption Act 2002;
  - Public Procurement Act 2006;
  - Finance and Audit Act;
  - Equal Opportunities Act;
  - Official Secrets Act;
  - PSC Regulations;
  - Financial and Management Manual;
  - Human Resource Management Manual;
  - Code of Ethics for Public Officers;
  - Code of Conduct for Public Officials involved in procurement;
  - Circulars, guidelines and reports from the Ministry of Public Service, Administrative and Institutional Reforms, Ministry of Finance, Economic Planning and Development, Public Procurement Office, ICAC and other authorities; and
  - Pay Research Bureau (PRB) Reports.

## **4.0 Anti-Corruption Commitment**

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- 4.1 The Department of Civil Aviation has signed the Anti-Corruption Commitment developed by the Independent Commission Against Corruption (ICAC) and has thus committed itself to use all available means and resources at its disposal to combat corruption in all its forms at all times including the application of appropriate prevention and detection control measures.
- 4.2 For the purpose of ensuring sound implementation of this policy, the Department of Civil Aviation shall ensure that:
- Employees have sufficient knowledge concerning the anti-corruption policy and that it is applied to all undertakings;
  - Adequate controls to counteract corruption are known and used within the organisation;
  - There are clear procedures and systems for handling suspected cases of corruption;
  - Stakeholders are aware of the organisation's anti-corruption policy;
  - Principles of good governance are followed;
  - Procedures, systems and practices are reviewed periodically; and
  - It shall respond quickly and efficiently to signs that may lead to corruption and malpractices if not taken care of timely.
- 4.3 The main objective of this anti-corruption policy is to strengthen and sustain an integrity culture within the organisation. This shall be achieved through:
- The setting-up of effective processes characterised by broad participation and transparency;
  - Regular evaluation of corruption risks, systems and procedures;
  - Ensuring that projects have clearly formulated goals, expected results as well as monitoring and follow-ups; and
  - Learning from experiences and continually improving organisational performance and the corporate image.

4.4 Every employee of this Department is required, at all times, to:

- Act with fairness, integrity and discipline in the day use/handling of public resources in his/her custody or when dealing with contractors, suppliers and customers;
- Comply with procedures, systems and practices which are in place; and
- Report directly to the ICAC as per section 44 of the Prevention of Corruption Act.

## **5.0 Scope and Applicability**

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5.1 This policy covers measures and practices of the Department of Civil Aviation on preventing and combating corrupt, fraudulent, collusive or coercive practices in its activities and operations. This policy applies to management, officers, as well as, consultants, suppliers, contractors, outside agencies doing business, and or any other parties having a business relationship with the organisation; and

5.2 The Policy shall include inter alia the following areas:

- Employee Conduct
  - 1) An employee shall disclose any interests that are or may potentially be relevant to the performance of their functions. Further, an employee shall not take part in any deliberation or decision where the Department decides that the employee's interests might prejudicially affect their consideration of the matter at hand;
  - 2) Employees shall be expected to show complete confidentiality in respect of information or materials supplied to them for the purposes of and in connection with their duties. Employees shall protect such information and not disclose it;
  - 3) Employees shall not disclose, publicly discuss or comment on any internal matters and discussions with which they are involved;
  - 4) Employees shall not make public comments which might damage the Department's authority or standing;
  - 5) Employees shall not misuse information gained in the course of their duties for personal gain or for political purposes; and
  - 6) Where an employee has any concern about issues of conduct, same shall be raised with the immediate superior/Director of Civil Aviation.

- Conflict of Interest

- 1) A conflict of interest arises where an employee has competing professional and personal interests. Competing interests can make it difficult for an employee to fulfil his professional duties impartially;
- 2) An employee shall not misuse his official position or information acquired during the course of his duties to influence his own personal interests or those of others. In short, an employee shall avoid doing anything that could call into question his independence and ability to deal with a matter fairly and appropriately.
- 3) Employees of the Department of Civil Aviation shall abide by the provisions of the Code of Ethics for Public Officers which exhort officers to avoid situations of conflict of interest. According to Section 13 of the Prevention of Corruption Act (PoCA) 2002, conflict of interest is a criminal offence liable to a penal servitude for a term not exceeding 10 years.

- Gift

The Department adopts a no-gift policy from/to any company, customer or supplier for any service provided.

- Declaration of Assets

Relevant staff has the responsibility to comply with the Declaration of Assets Act 2018, as amended, and submit their declaration of assets forms within the prescribed time frame.

## 6.0 Definitions

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6.1 For the purpose of this policy, corruption is defined as per section 2 of the Prevention of Corruption Act as amended.

“act of corruption”-

- (a) means an act which constitutes a corruption offence; and
- (b) includes-
  - (i) any conduct whereby, in return for a gratification, a person does or neglects from doing an act in contravention of his public duties;
  - (ii) the offer, promise, soliciting or receipt of a gratification as an inducement or reward to a person to do or not to do any act, with a corrupt intention;
  - (iii) the abuse of a public or private office for private gain;
  - (iv) an agreement between 2 or more persons to act or refrain from acting in violation of a person’s duties in the private or public sector for profit or gain; and
  - (v) any conduct whereby a person accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification for inducing a public official, by corrupt or illegal means, or by the exercise of personal influence, to do or abstain from doing an act in the exercise of his duties to show favour or disfavour to any person.

6.2 All the sections of the law penalising corruption offences are described in sections 4 to 15 of the Prevention of Corruption Act 2002 as amended. These include bribery by public official, bribery of public official, taking gratification to screen an offender from punishment, public official using his office for gratification, traffic d’influence and conflict of interest.

## **7.0 Responsibilities for Implementing the Policy**

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7.1 The responsibility to develop and coordinate the implementation of the policy shall rest upon the Anti-Corruption Committee (ACC) established for the purpose. The ACC shall set priorities, provide advice when ethical issues arise and communicate the policy to all levels of management and staff;

7.2 The Anti-Corruption Committee (ACC)

The Anti-Corruption Committee shall be chaired by the Director of Civil Aviation and comprise of the following committee members:

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| 1.  | Director of Civil Aviation, <b>Chairperson</b>               |
| 2.  | Deputy Director of Civil Aviation                            |
| 3.  | Divisional Head (Communication, Navigation and Surveillance) |
| 4.  | Divisional Head (Air Traffic Management)                     |
| 5.  | Divisional Head (Airworthiness)                              |
| 6.  | Assistant Manager Human Resource                             |
| 7.  | Manager Financial Operations                                 |
| 8.  | Assistant Manager Procurement and Supply                     |
| 9.  | Office Management Executive                                  |
| 10. | Office Management Assistant, <b>Secretary</b>                |

7.3 Terms of Reference (TOR) of the Anti-Corruption Committee

- Formulation of the Anti-Corruption Policy;
- Development of a Corruption Prevention Plan;
- Development and implementation of an integrated Corruption Risk Management Plan;
- Overseeing and coordinating implementation of corruption prevention strategies;
- Implementation of recommendations proposed by the ICAC in Corruption Prevention reviews;
- Look into corruption prevention issues with respect to new projects and policies on which the Ministry is embarking;
- Building and sustaining an ethical culture to promote integrity of staff within the Ministry;
- Interact with other Anti-Corruption Committees to share corruption prevention experiences; and
- Report achievements of the Division to the Director General of the ICAC twice yearly.



7.4 The Anti-Corruption Committee shall meet at least once every three months and as required;

7.5 The Chairperson shall decide upon the setting up of sub-committees to assist the Anti-Corruption Committee in the implementation of any initiatives decided by the Anti-Corruption Committee;

7.6 Role of Management

It is the responsibility of Management to promote the anti-corruption policy within their areas of operation. Management is expected to actively deter, prevent and detect corruption by maintaining effective control systems and ensuring that their staff are familiar with the policy;

7.7 Role of Employees

Each officer shall read, be familiar with and strictly comply with the policy. The Management shall ensure that each employee is provided with a copy of this policy or otherwise has online access; and

7.8 Role of Internal Audit

- The Internal Audit has the responsibility to ensure the effectiveness and adequacy of the Internal Control System in place. It shall ensure that the system is subject to regular audit to provide assurance that they are effective in countering corruption opportunities; and
- The Audit Committee of the Department of Civil Aviation shall ensure that all findings of the Internal Audit are adequately addressed and mitigations measures are appropriately implemented.

7.9 Role of Integrity Officer

An Integrity officer, designated by the organisation, is expected to act as secretary of the ACC, coordinate with the ICAC in the implementation of integrity and ethics programme and training and facilitate the development, implementation and monitoring of anti-corruption policies and procedures.

8.0 Role of the Ex-Officio member

The Ex-Officio member is an ICAC officer appointed by the ICAC with a view to guide and advise the Committee on issues tabled at the level of the Committee. The Ex-Officio member is a representative from the ICAC who will act as a facilitator to the organisation and provide relevant support and guidance in the implementation of the Public Sector Anti-Corruption Framework (PSACF).

## **9.0 Risk Assessment**

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- 9.1 The Department of Civil Aviation is conscious that the risk of corruption may occur in every sphere of its activities and may evolve in the light of changing circumstances and working environment;
- 9.2 In its endeavour to proactively address risks of corruption, the Department of Civil Aviation shall ensure that a proper Risk Management Process is in place. Risk assessment shall focus on a thorough analysis of the functional activities in close collaboration with officers involved in the process with a view to identifying potential or actual corruption risk areas;
- 9.3 With respect to risk identified, necessary corruption prevention measures including policies and procedures shall be developed to address the risks; and
- 9.4 The responsibility to plan, coordinate and monitor the Risk Management Process rests with the Anti-Corruption Committee.

## **10.0 Handling and Reporting Corruption**

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### **10.1 Duty to report acts of corruption offences**

In line with Section 44 of the PoCA, where an officer of a public body suspects that an act of corruption has been committed within or in relation to that public body, he shall forthwith make a written report to the Commission.

### **10.2 Referrals to the Commission**

As per Section 45 of the PoCA, as amended provides that where in the exercise of his functions, the chief executive of a public body is of the opinion that an act of corruption may have occurred, he may refer to the ICAC for investigation.

- 10.3 A committee may be set up to assist the Director of Civil Aviation in determining whether there is a reasonable doubt for suspicion of corruption prior to referral of the case to the ICAC for investigation; and

### **10.4 Confidentiality**

Information pertaining to complaints shall not be disclosed to any unauthorised party.

## **11.0 Protection of Whistleblowers**

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- 11.1 There shall be no reprisal by management against “the public official” who in good faith reports an act of corruption or malpractice or suspected illegal and dishonest activity or any activity that he/she has witnessed; and
- 11.2 However, disciplinary actions may be taken against any person who knowingly has made false allegations.

## **12.0 Disciplinary Measures**

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- 12.1 The Department of Civil Aviation is committed to ensuring that this policy is duly implemented in the organisation; and
- 12.2 Disciplinary measures in accordance with established procedures shall be taken against any staff who is found guilty of a breach of the provisions contained in this policy.

## **13.0 Training and Communications**

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- 13.1 The Department of Civil Aviation recognises that the success and credibility of this policy depends on effective sensitisation, communication and the awareness of management and officers throughout this Department; and
- 13.2 Management shall ensure that the anti-corruption policy is clearly disseminated to all staff and that its contents are understood.

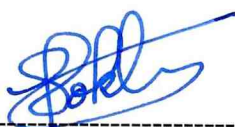
## **14.0 Review of Policy**

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- 14.1 This policy shall be reviewed annually or earlier if necessary or the event of any changes in the laws and regulations that are relevant to the Department of Civil Aviation;
- 14.2 The Chairperson of the Anti-Corruption Committee shall decide upon the setting up of a sub-committee to assist the Anti-Corruption Committee in the review of the Policy; and
- 14.2 The revised Policy shall be approved by the Anti-Corruption Committee.

## **15.0 Approval**

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ISWARDUTH POKHUN  
Chairperson  
Anti-Corruption Committee

21-09-23

Date