



## Ministry of Civil Service and Administrative Reforms

15 September 2005

**Ministry of Civil Service and Administrative Reforms**  
**Circular Letter No. 39 of 2005**  
**E/152/53/03 V2**

**From:** Senior Chief Executive, Ministry of Civil Service and Administrative Reforms

**To:** Supervising Officers i/c Ministries/Departments

### **Public Service Bill**

Would you please find enclosed a draft Public Service Bill which purports to:

- (i) establish an apolitical and performance-oriented public service that is efficient, effective and economical in serving the Government of the day and the citizens;
  - (ii) uphold the essential qualities and values of the public service;
  - (iii) provide the necessary legal and institutional framework for the effective and fair employment and management of public officers;
  - (iv) define the powers, functions and responsibilities of supervising officers;
  - (v) establish the rights and obligations of public officers; and
  - (vi) establish a Pay Review Agency.
2. It would be appreciated if you would discuss the draft Bill with your Management team and let me have your comments thereon by Friday 30 September 2005.

**(R. Mudhoo)**  
**Senior Chief Executive**

Copy to:

Secretary to Cabinet and Head of the Civil Service

Government, have been influenced by the hope or expectation of future employment with the firm or organisation concerned, or that an employer could make improper use of official information to which a former Minister has had access, it is recommended that a delay of up to two years be observed before the appointment is taken up, or that for a similar period the former Minister should stand aside from certain activities of the employer.



## Fourth Schedule

(section 14(1))

### CODE OF CONDUCT FOR ADVISERS

The employment of special advisers on the one hand adds a political dimension to the advice available to Ministers, and on the other provides Ministers with the direct advice of distinguished experts in their professional field, while reinforcing the political neutrality of the permanent Civil Service by distinguishing the source of political advice and support.

2. Advisers are employed to help Ministers on matters where the work of Government and the work of the Government Party overlap and it would be inappropriate for permanent civil servants to become involved. They are an additional resource for the Minister providing advice from a standpoint that is more politically committed and politically aware than would be available to a Minister from the Civil Service.

3. The sorts of work an adviser may do if their Minister wants it are:

- i. reviewing papers going to the Minister, drawing attention to any aspect which they think has Party political implications, and ensuring that sensitive political points are handled properly. They may give advice on any aspect of departmental business, including giving advice to their Minister when the latter is taking part in Party political activities;
- ii. "devilling" for the Minister, and checking facts and research findings from a Party political viewpoint;
- iii. preparing speculative policy papers which can generate long-term policy thinking within the Department, including policies which reflect the political viewpoint of the Minister's Party;
- iv. contributing to policy planning within the Department, including ideas which extend the existing range of options available to the Minister with a political viewpoint in mind;
- v. liaising with the Party, to ensure that the Department's own policy reviews and analysis take full advantage of ideas from the Party, and encouraging presentational activities by the Party which contribute to the Government's and Department's objectives;
- vi. helping to brief Party MPs and officials on issues of Government policy;
- vii. liaising with outside interest groups including groups with a political allegiance to assist the Minister's access to their contribution;
- viii. speechwriting and related research, including adding Party political content to material prepared by permanent civil servants;

- ix. representing the views of their Minister to the media including a Party viewpoint, where they have been authorised by the Minister to do so;
- x. providing expert advice as a specialist in a particular field;
- xi. attending Party functions (although they may not speak publicly at the Party Conference) and maintaining contact with Party members;
- xii. taking part in policy reviews organised by the Party, or officially in conjunction with it, for the purpose of ensuring that those undertaking the review are fully aware of the Government's views and their Minister's thinking and policy.

#### Status and conduct

4. Advisers are temporary Public Officers appointed under section 89(3)(h) of the Constitution. They are exempt from the general requirement that public officers should be appointed on merit and behave with political impartiality and objectivity so that they may retain the confidence of future governments of a different political complexion. They are otherwise required to conduct themselves in accordance with the Code of Conduct for Public Officers set out in the Second Schedule. Their appointment ends at the end of the Administration which appointed them.

5. Advisers should conduct themselves with integrity and honesty. They should not deceive or knowingly mislead Parliament/or the public. They should not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others. They should not receive benefits of any kind which others might reasonably see as compromising their personal judgement or integrity. They should not without authority disclose official information which has been communicated in confidence in Government or received in confidence from others.

6. Advisers should not use official resources for Party political activity. They are employed to serve the objectives of the Government and the Department in which they work. It is this which justifies their being paid from public funds and being able to use public resources, and explains why their participation in party politics is carefully limited. They should act in a way which upholds the political impartiality of civil servants. They should avoid anything which might reasonably lead to the criticism that people paid from public funds are being used for Party political purposes. They stand outside the departmental hierarchy. They should not be responsible for budgets or for the management of permanent civil servants including their recruitment and matters covered by their contract of employment such as their appraisal, reward, discipline and promotion.

#### Contacts with the media

8. Advisers may represent Ministers' views on Government policy to the media with a degree of political commitment that would not be possible for the permanent Civil Service. Briefing on purely Party political matters should however be handled by the Party machine.

9. All contacts with the news media should be authorised by the Minister and be conducted in accordance with such guidelines issued by the Government Information Service.

10. Advisers must not take public part in political controversy whether in speeches or letters to the Press, or in books, articles or leaflets; must observe discretion and express comment with moderation, avoiding personal attacks; and would not normally speak in public for their Minister or the Department.

#### **Relations with the Government Party**

11. Advisers provide advice on the development of Government policy and its presentation. It is in these two areas of activity that Government and Party may overlap.

12. In providing a channel of communication in these areas of overlap, advisers paid from public funds have a legitimate role in support of the Government's interest, which they can discharge with a degree of party political commitment and association which would not be permissible for a permanent civil servant. In all contacts with the Party, advisers must observe normal Civil Service rules on confidentiality unless specifically authorised, in a particular instance, by their Minister.

13. Advisers must not take part in the work of the Party's national organisation; and although they may continue, during Elections, to give specialist or political advice to their Ministers they must be careful not to take any active part in the campaign going beyond the provision of such advice.

14. Where an Adviser wishes to undertake work for a political Party which does not arise out of government business they may do this either in their own time, outside office hours, or under a separate contract with the Party, working part-time for the government. Detailed rules on their involvement in political activities are set out below.

#### **Involvement in politics in a private capacity: national and local political activities**

15. Advisers must not take part in national or local political activities, which are: holding office, in a party political organisation, speaking in public on matters of national political controversy; expressing views on such matters in letters to the Press, or in books, articles or leaflets; being announced publicly as a candidate or prospective candidate for the National Assembly or Municipal Elections, and canvassing on behalf of a candidate of a political party.

16. In particular:

- i. if Advisers are publicly identified as a candidate or prospective candidate for National Assembly or Municipal Elections, they must resign their appointment;
- ii. if they wish to take part in a General, Municipal or by-election campaign, or to help a Party during such a campaign, they must first resign their appointment. If



they wish their appointment to carry on during a campaign, they may continue to give specialist or political advice to their Minister as before, but they must be careful not to take any active part in the campaign going beyond the provision of such advice. They should not, for example, take part in public meetings.

### Complaints

Any civil servant who believes that the action of an adviser goes beyond that adviser's authority or breaches the Code of Conduct of Public Officers set out in the Second Schedule, should raise the matter immediately with the Secretary to Cabinet and Head of the Civil Service through his Supervising Officer.

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## Fifth Schedule

(section 14(5))

### DECLARATION

#### TO BE SIGNED BY ADVISERS ON APPOINTMENT

My attention has been drawn to the provisions of the Official Secrets Act, extracts of which are set out on the back of this document, and I am fully aware of the serious consequences which may follow any breach of these provisions.

I understand that the sections of the Official Secrets Act set out on the back of this document cover also articles published in the press or in book form, and I am aware that I must not divulge any information gained by me as a result of my employment to any unauthorised person, orally or in writing, without the prior sanction, in writing, of the Secretary to the Cabinet and Head of the Civil Service.

I understand also that these provisions apply not only during the period of my employment but also after my employment in the Mauritius Public Service has ceased.

Signed .....

Name .....

(in block letters)

Date .....



Witnessed .....

Name .....

(in block letters)

Post held .....

Ministry/Department .....

### EXTRACTS FROM THE OFFICIAL SECRETS ACT

Section 3 of the Official Secrets Act provides as follows

(1) Any person who, for any purpose or in any manner likely to prejudice the safety or interests of Mauritius

- (a) approaches, inspects, enters, passes over, or is in the neighborhood, of a prohibited place;
- (b) makes a plan that is calculated or intended to be, or might be, directly or indirectly, of use to a foreign State or disaffected person; and
- (c) obtains, receives, collects, retains, records, makes use of, publishes or communicates a code word, plan, article, document or information which is calculated or intended to be or might be, directly or indirectly, of use to a foreign State or disaffected person,

shall commit an offence.

2. Any person who has in his possession or under his control any code word, plan, article, document or information which

- (a) relates to, or is used, in a prohibited place;
- (b) relates to munitions;
- (c) has been made or obtained in contravention of this Act;
- (d) he knows, or has reasonable grounds for believing, has been communicated to him in contravention of this Act;
- (e) has been entrusted in confidence to him
  - (i) by any person holding office under the Government;
  - (ii) owing to his position as a person who holds or has held office under the Government or who is or was a party to a contract

- which was made on behalf of the Government or which, in whole or in part, is or was executed in a prohibited place; or
- (iii) owing to his position as a person who is or has been employed by a person who is or was a party to a contract specified in sub-paragraph (ii); or
  - (f) he has obtained or to which he has had access owing to his position as a person who held office under the Government;

and who for any purpose or in any manner likely to prejudice the safety or interest of Mauritius -

- (i) makes use of the code word, plan, article, document or information; .
- (ii) retains the code word, plan, article, document or information in his possession or under his control;
- (iii) fails to comply with any directions issued by lawful authority with regard to the return or disposal of the code word, plan, article, document or information;
- (iv) communicates the code word, plan, article, document or information to any person, other than a person to whom he is authorised to communicate it or to whom it is his duty to communicate it; or
- (v) fails to take reasonable care, or so conducts himself as to endanger the safety of the code word, plan, article, document or information,

shall commit an offence."

Section 4(1) of the Official Secrets Act provides as follows -

"Any person who in any manner publishes a report of, or a comment on, any matter and alleges, expressly or impliedly, that the report or comment, as the case may be, relates to what took place at a meeting of the Cabinet shall commit an offence and shall, on conviction, be liable to imprisonment for a term of not less than one month and not more than 12 months together with a fine not exceeding 2,000 rupees, unless he proves that the publication was made with lawful authority or as a result of information obtained from a person authorised to communicate it."

"Prohibited place", as defined in the Official Secrets Act, means a place -

- "(a) belonging to or occupied or used by, or on behalf of the Government which is used for or in connection with the maintenance of public security, including arsenals, establishments or stations of the armed forces or the Police Force, factories, dockyards, mines, minefields, camps, ships, aircraft, telegraph, telephone, wireless or signal stations or offices, and places used for the purpose of building, repairing, making or storing any munitions or any plans,

or documents relating thereto, or for the purpose of obtaining any metals, oil or minerals for use in time of war or public emergency;

- (b) not belonging to the Government where any munitions or any plans or documents relating thereto are being made, repaired, received or stored under contract with or with any person acting on behalf of, the Government;
- (c) prescribed by the Minister, on the ground that information relating to the place, damage to it or interference with it is likely to prejudice the safety and interests of Mauritius"

## **Sixth Schedule**

(section 18(1)(b))

### **List of grades of officers who should declare their assets**

#### **Mauritius Prisons Service**

Commissioner of Prisons

Deputy Commissioner of Prisons

Assistant Commissioner of Prisons

Chief Hospital Officer

Senior Superintendent of Prisons

Female Superintendent of Prisons

Principal Prisons Welfare Officer

Superintendent of Prisons

Superintendent of Works

Superintendent of Stores

Superintendent of Industries

Assistant Superintendent of Prisons

Female Assistant Superintendent of Prisons

Supervisor of Industries

Supervisor of Works

Senior Prisons Welfare Officer



Chief Prisons Officer  
Chief Female Prisons Officer  
Chief Stores Officer (Prisons)  
Chief Works Officer  
Chief Industries Officer  
Prisons Welfare Officer  
Principal Prisons Officer  
Principal Female Prisons Officer  
Principal Industries Officer  
Principal Works Officer  
Principal Stores Officer (Prisons)  
Female Prisons Officer  
Grade I Prisons Officer  
Grade I Senior Officer Cadet (Male)  
Senior Officer Cadet (Female)  
Female Prisons Officer  
Grade II Prisons Officer Grade II  
Principal Hospital Officer  
Senior Hospital Officer (Male)  
Senior Hospital Officer (Female)  
Hospital Officer (Male)  
Hospital Officer (Female)

**Police**

Commissioner of Police  
Commanding Officer  
Director General, ADSU  
Director General, NSS  
Deputy Commissioner of Police  
Woman Deputy Commissioner of Police  
Assistant Commissioner of Police

Deputy Director General, NSS  
Woman Assistant Commissioner of Police

Superintendent of Police  
Superintendent of Police (Engineer Squadron)  
Woman Police Superintendent  
Assistant Superintendent of Police  
Woman Police Assistant Superintendent  
Deputy Assistant Superintendent of Police  
Woman Police Deputy Assistant Superintendent  
Chief Inspector of Police

Woman Police Chief Inspector  
Inspector of Police  
Woman Police Inspector  
Sub-Inspector of Police  
Woman Police Sub-Inspector  
Police Sergeant  
Woman Police Sergeant  
Woman Police Constable  
Police Corporal  
Woman Police Corporal  
Police Constable  
Police Constable (Security/Driver)

**Ministry of Industry, International Trade and Regional Cooperation**

Controller of Assay  
Assistant Controller of Assay  
Senior Technical Officer (Assay Office)  
Technical Officer (Assay Office)

**Ministry of Social Security, National Solidarity & Senior Citizen Welfare and Reform Institutions**

Commissioner, Social Security  
Deputy Commissioner, Social Security  
Manager, National Pensions  
Assistant Commissioner, Social Security  
Principal Social Security Officer  
Senior Social Security Officer  
Higher Social Security Officer  
Social Security Officer

**Ministry of Environment and National Development Unit**

Project Co-ordinator  
Project Manager  
Deputy Project Manager  
Landscape Architect  
Chief Inspector  
Senior Inspector  
Inspector  
Assistant Inspector

**DEPARTMENT OF ENVIRONMENT**

Director  
Deputy Director  
Divisional Environment Officer  
Divisional Scientific Officer  
Senior Environment Officer  
Senior Scientific Officer  
Environment Officer  
Scientific Officer

Technical Officer/Senior Technical Officer (Environment)  
Environment Enforcement Assistant

**National Development Unit**

Commissioner

Deputy Commissioner

Principal Regional Development Officer

Senior Regional Development Officer

Regional Development Officer

Assistant Regional Development Officer

Project Coordinator

Project Manager

Project Officer

**Ministry of Tourism and Leisure**

Secretary for Tourism Development

Principal Tourism Planner

Senior Tourism Planner

Tourism Planner

Tourism Enforcement Officer

**Ministry of Public Infrastructure and Land Transport**

**ENGINEERING DIVISION**

Chief Engineer

Deputy Chief Engineer

Principal Engineer

Senior Engineer (Civil)

Engineer (Civil)

Chief Mechanical Engineer



Deputy Chief Mechanical Engineer  
Principal Mechanical Engineer  
Senior Mechanical Engineer  
Mechanical Engineer  
Senior Technical and Mechanical Officer  
Technical and Mechanical Officer  
Principal Technical Officer (Civil Engineering)  
Senior Technical Officer (Civil Engineering)  
Technical Officer  
Chief Quantity Surveyor  
Deputy Chief Quantity Surveyor  
Principal Quantity Surveyor  
Senior Quantity Surveyor  
Quantity Surveyor  
Assistant Quantity Surveyor  
Chief Technician (Quantity Surveying)  
Principal Technician (Quantity Surveying)  
Senior Technician (Quantity Surveying)  
Technician (Quantity Surveying)  
Superintendent of Works  
Chief Inspector of Works  
Senior Inspector of Works  
Inspector of Works  
Assistant Inspector of Works  
Materials Testing Officer  
Senior Technical Officer (Materials Testing Laboratory) Technical Officer (Materials Testing Laboratory)

**ARCHITECT'S DIVISION**

Chief Architect

Deputy Chief Architect

Principal Architect  
Senior Architect Architect  
Landscape Architect  
Technical Officer

**TRAFFIC MANAGEMENT AND ROAD SAFETY UNIT**

Chief Engineer  
Principal Engineer  
Senior Engineer ( Civil)  
Engineer ( Civil )  
Senior Technical Officer (Civil Engineering) Technical Officer (Civil Engineering)  
Technical Officer (Electrical & Electronics)  
Senior Inspector of Works  
Inspector of Works  
Assistant Inspector of Works Director of Shipping  
Secretary for Shipping Development Deputy Director of Shipping Senior Marine  
Engineering Surveyor Senior Nautical Surveyor  
Marine Engineering Surveyor  
Nautical Surveyor  
Principal Maritime Officer  
Senior Maritime Officer  
Superintendent of Shipping  
Assistant Superintendent of Shipping  
Maritime Officer

**National Transport Authority**  
Road Transport Commissioner  
Deputy Road Transport Commissioner  
Transport Controller  
Transport Planner  
Assistant Transport Planner Secretary, NT A Board  
Chief Road Transport Inspector

Principal Road Transport Inspector

Senior Road Transport Inspector

Road Transport Inspector

Principal Vehicle Examiner

Senior Vehicle Examiner

Vehicle Examiner

Senior Traffic Warden

Traffic Warden

### Ministry of Health and Quality of Life

Director, Pharmaceutical Services

Senior Pharmacist

Pharmacist

Principal Health Engineering Assistant Senior Health Engineering Assistant Health

Engineering Assistant

Chief Sanitary Engineer

Principal Sanitary Engineer

Sanitary Engineer

Chief Health Inspector

Deputy Chief Health Inspector

Principal Health Inspector

Senior Health Inspector

Health Inspector

### Ministry of Fisheries

Controller, Fisheries Protection Service

Deputy Controller, Fisheries Protection Service

Assistant Controller, Fisheries Protection Service

Principal Fisheries Protection Officer

Senior Fisheries Protection Officer

Fisheries Protection Officer

**Ministry of Commerce and Consumer Protection**

Senior Commercial Officer  
Commercial Officer  
Assistant Commercial Officer  
Head, Consumer Protection Unit  
Principal Consumer Protection Officer  
Senior Consumer Protection Officer  
Consumer Protection Officer

**Ministry of Cooperatives**

Registrar, Co-operative Societies  
Deputy Registrar, Co-operative Societies  
Divisional Co-operative Officer  
Principal Co-operative Officer  
Senior Co-operative Officer  
Co-operative Officer

**Ministry of Housing and Lands**

Chief Town and Country Planning Officer  
Deputy Chief Town and Country Planning Officer  
Principal Town and Country Planning Officer  
Senior Town and Country Planning Officer  
Town and Country Planning Officer  
Chief Surveyor  
Deputy Chief Surveyor  
Principal Surveyor  
Senior Surveyor  
Surveyor  
Secretary, Morcellement Board

## Seventh Schedule

(section 18(1)(c))

I,..... of .....being  
a public officer holding the post of ..... declare  
that :-

- \*1 I am unmarried/married under the system of  
..... (matrimonial regime).
  
- \*2. My assets and those of my spouse, minor children and  
grand children in Mauritius and outside Mauritius are as  
follows :
  - (a) **immoveable property** --
    - (i) freehold .....
    - (ii) leasehold.....
  - (b) interest in any partnership, société, joint venture, trust or  
succession .....
  - (c) motor vehicles .....
  - (d) jewellery and precious metals .....
  - (e) securities including treasury bills, units, etc.....
  - (f) cash in bank .....
  - (g) cash in hand exceeding 50,000 rupees.....
  - (h) other assets exceeding 50,000 rupees in the  
aggregate.....
  
- 3. My liabilities and those of my spouse/minor children and  
grand children are as follows - .....
  
- 4. Property sold, transferred or donated to my children of  
age during the period of 12 months immediately  
preceding the date of this declaration.....

5. Any other relevant information.....

.....

*Signature*

\* Delete as necessary

\_\_\_\_\_

## The Public Service Bill

1. Short title
2. Interpretation
3. Application of the Act
4. Objects of the Act
5. Establishment of the Public Service
6. Values of the Public Service
7. Obligations and rights of public officers
8. Code of Conduct for public officers
9. The Head of the Civil Service
10. The High Powered Committee
11. Responsibilities of Supervising Officers
12. Performance Management
13. Code of Conduct for Ministers
14. Code of Conduct for Advisers
15. Disciplinary control and supervision
16. Disclosure of information
17. The Senior Executive Service
18. Declaration of assets
19. The Pay Review Agency
20. Annual Report
21. Miscellaneous
22. Delegation
23. Regulation
24. Consequential amendments
25. Commencement

## Second Schedule

(Section 8)

### Code of Conduct for Public Officers

#### 1. Introduction

This Code of Conduct sets out the standards of correct conduct expected of public officers. It emphasises the importance of a responsible, responsive and caring public service and is intended to promote effective administration and responsible behaviour.

This Code of Conduct does not have an answer to every problem of ethics or behaviour. It simply lays down a set of principles and guidelines which aim at instilling a high standard of conduct and behaviour in the public service.

This Code applies to all public officers irrespective of grade or rank. It complements existing rules and regulations.

#### 2. Values and Principles

This Code of Conduct rests on a number of values and principles which should guide the behaviour and action of Public Officers so as to inspire public confidence and trust. These are:

- integrity, .
- objectivity,
- conscientiousness, and
- loyalty to the Government of the day.

It also recognizes the rights and obligations of public officers according to existing laws and established practice.



### 3. Obligations to the Government of the Day

It is the responsibility of Ministers to determine government policy. Public officers should

- give Ministers honest, comprehensive and impartial advice without fear or favour;
- provide Ministers with all the information at their disposal which may have a bearing on policy decisions;
- carry out decisions efficiently, effectively and economically; and
- maintain a high standard of performance

### 4. Relationship with Ministers

Ministers are responsible to the National Assembly. They are helped by public officers in the discharge of responsibilities entrusted to them as Ministers.

The relationship between public officers and ministers should be based on mutual trust and confidence. Public officers should work with their Ministers to the best of their ability, with integrity, courtesy and respect

### 5. Relations with the Public

Public officers should treat the public with care and courtesy. They must give a good service to all members of the public and be responsive to their needs regardless of the status of a person. They should give the required information or advice and provide reasonable assistance. Public officers must help the public to understand their rights and obligations

### 6. Responsibility towards the public

Public officers should treat members of the public diligently, fairly and sympathetically. When public officers exercise discretionary powers, they should ensure that they take all facts relevant to the case into consideration

### 7. Duties of Public Officers

In the performance of their duties public officers should work as a team and demonstrate a high degree of professionalism. They should comply with the lawful and reasonable directions given by a person having authority to give such directions. They should behave in a way that brings credit to their position and enhances the reputation of the public service

8. Political Impartiality

Public Officers owe their loyalty to the government of the day. They should observe political neutrality in their day-to-day functions. They should avoid activities likely to impair, or to be seen to impair, their political impartiality or the political impartiality of the public service.

9. Acceptance of Gifts and other Benefits

Public officers should not misuse their official position or information acquired in the course of their official duties to further their private interests or those of others. They should not solicit or accept for themselves or for others any gift or favour in whatever form which may reasonably be construed as influencing the performance of their duties.

10. Conflict of Interests

Public officers should avoid having any financial or other interest or embark on any undertaking that could directly or indirectly compromise the performance of their duties. They are required to disclose to their Responsible Officer their private financial or other interests such as directorship, shareholdings, real estate, trusts, etc. which may conflict with their official duties, and take steps to avoid such conflicts.

11. Disclosure of Information

Public officers may disclose official information or documents acquired in the course of their duties only when they are required to do so by law or when they have the proper authority to do so. In these cases, their comments should be confined to factual information. They should not give an opinion on official policy or practice. They should not seek to influence or frustrate the policies, decisions or actions of government by the unauthorised, improper or premature disclosure of any information or documents to which they have had access as public officers.

12. Use of Public Resources

Public Officers should ensure that public assets and other resources are used for official purposes only and are managed scrupulously, properly, efficiently and effectively. Public Officers are required to strive to obtain value for money and to avoid waste or extravagance in the use of public resources.

