

2018 GOOD GOVERNANCE & INTEGRITY CONFERENCE

CORPORATE LIABILITY LAW : Liability Risks for Directors & Senior Officers

22 November 2018 (9am - 6pm) | Dorsett Grand Subang, Selangor



Welcoming Remarks by
YBhg. Dato' Shamshun Baharin Bin Mohd Jamil
Deputy Chief Commissioner (Prevention)
Malaysian Anti-Corruption Commission (MACC)

Participants have the opportunity to learn about current hot topics including:

- Bribery, Fraud & Malpractice •
- Corporate Governance •
- Consequences of Corruption! •
- ISO 37001 Anti-Corruption Management Systems •
- Offences Under MACC Act 2009 •
- No Gift Policy • Code of Ethics •
- Ethics & Compliance •
- Whistleblower Protection Act 2010 •
- Corporate Liability Law, MACC (Amendment) Act 2018 •
- Anti-Money Laundering, Anti-Terrorism Financing & Proceeds of Unlawful Activities Act 2001 •
- Risk Management •

Malaysia had entered into a new era on 09 May 2018. The newly elected Federal Government has shown their willingness and determination to walk the talk in upholding integrity and transparency either in public or private sectors. Where there is the tone from the top, now the people must ready for positive changes by embarking several initiatives in combatting corruption.

In corporate or companies there is a presumption that says, "Doing business without paying bribes is almost impossible". Hence do the people know about legal implications that might raise if they indulge themselves in committing corrupt act?

Since the introduction of Malaysian Anti-Corruption Commission Act 2009, only a biological person could be found guilty of any offence under the Act. But for companies, the law doesn't yet lifting the corporate veil unlike the Companies Act 2016.

Many may not be aware of the significant implications that will take place when Parliament in March 2018 amended the MACC Act 2009 which to include Section 17A that provides Corporate Liability Provision. The new Section is similar to the Bribery Act 2010 in UK which to make company directors / partners / associate persons / senior officers liable for the corrupt / bribery acts by their employees / agents, for making / accepting a facilitation payment etc.

This Provision shall apply to any person and a company / partnership which carries out business in **Malaysia**.

Therefore if any person found guilty for committing an offence under the MACC Act 2009, the MACC will **name and shame corrupt offenders by publishing the names and the corrupt offences committed by them in its website** as a stern warning and deterrent to others not to commit such despicable acts.

In certain company or organization, identifying wrongdoings are often been ignored or the possible complainant is reluctant to blow the whistle and come forward to make a formal complaint. Therefore, the Witness Protection Act 2009 and the Whistleblower Protection Act 2010 provide an avenue which provides statutory rights such as legal protections and remedies that are available for them.

It is very crucial for companies to establish a proper channel and mechanism of whistle-blowing policies as to encourage any person in the company to report any of wrongdoings without fear. A Whistle-blower must also know that any information given shall **strictly followed the do's and don'ts** under Whistleblower Protection Act 2010 as failure to comply provisions in the Act shall nullify his rights as whistleblowers i.e. adequate protections, remedies when confronted with detrimental action, the risk of being terminated, denied promotion or other forms discrimination.

This conference is a must for any corporate leaders / businessmen / senior management officers who are now aware that doing business is not a mere profiteering. Everybody should be educated pertaining to the laws that are enforced as to prepare and equipped themselves with legal knowledge as there is saying in law which says "Ignorant of a law is not an excuse".

The maxim "Knowledge is Power" is very appropriate here and people should take the extra cautious by getting themselves to be informed of the legal and regulatory changes that has taken place by attending conferences of this nature.

The introduction of the new **Corporate Liability Provisions 2018** makes it all the more necessary to be aware and act as a **wakeup call to ensure that company directors / partners / associate persons / senior officers are all liable for wrongdoings by employees / agents**.

CONFERENCE AGENDA

- 7.30 am Arrival and Registration of Participants
- 8.45 am *Welcoming Remarks*
YBhg. Dato' Shamshun Baharin Bin Mohd Jamil
Deputy Chief Commissioner (Prevention),
Malaysian Anti-Corruption Commission (MACC)
- 9.00 am *Corruption Offences under MACC Act 2009:
The Unhealthy Relationship between the Private and Public Sector*
YBhg. Dato' Abdul Samat Bin Kasah
Former Director of Community Education Division,
Malaysian Anti-Corruption Commission
- 10.00 am Morning Refreshment & Networking Break
- 10.30 am *Corporate Liability Law:
Offences by Commercial Organization Under Section 17A of Malaysian Anti-Corruption
Commission Act 2009 (Act 694). Understanding the Risks on Bribery Committed by
Employees and Agents*
Tuan Thangavelu A/L A. Suppiah
Deputy Public Prosecutor,
Malaysian Anti-Corruption Commission
- 12.00 am *ISO 37001 Anti-Bribery Management Systems (ABMS):
An Effective Mechanism to Combat Corruption*
Puan Nor'afiza Saim
Senior General Manager, Management System Certification Department, SIRIM
- 1.00 pm Networking Lunch
- 2.00 pm *The Whistleblower Protection Act 2010:
The Dos and Don'ts When Exposing Wrongdoings*
SSupt. Farizal Muzaffar Hafiz Bin Abdul Wahab
Malaysian Anti-Corruption Commission
- 3.00 pm Afternoon Refreshment & Networking Break
- 3.30 pm *Anti-Money Laundering, Anti-Terrorism Financing & Proceeds of Unlawful Activities Act 2001:
The Risk and Cost of Your Business involving with Money Laundering, Bribery and Corruption*
Tuan Mohamad Zamri Bin Zainul Abidin, Chief Senior Assistant Commissioner Director,
Director, Anti-Money Laundering and Forfeiture of Property (AMLFOP) Division,
Malaysian Anti-Corruption Commission
- 4.30 pm *The Way Forward of Enhancing Good Governance in Corporate Organization*
Puan Shuhairoz Mohamed Shukeri
Director of Quality & ISO Management, Immigration Malaysia Headquarters
- 5.30 pm Q & A
- 6.00 pm The End of Program

WHO SHOULD ATTEND:

Company Chairman	Chairperson
Independent Directors	Executive / Non-Executive Directors
President	Managing Directors
Chief Executive Officers	Chief Operating Officers
Chief Financial Officers	Chief Security Officers
Chief Risk Officer	Chief Integrity Officers
Company Secretaries	Procurement / Purchasing / Sales Managers
Auditors	Regulatory / Compliance Officers
ISO Managers / Consultants	Audit Committee Members
Investor Relations Officers	Whistleblowing Committee Members
General Manager	Accountants
Legal Officers / Advisors	Training Managers
Human Resource Managers	Talent Development Managers
Executive Search Manager	Business Owners / Entrepreneurs
Senior Officers / HODs	Thought Leaders
Policy Makers	Decision Makers
Associate Partners	Agents / Representatives
Business Consultants	Business Advisors

Conference Benefits:

- Learn from MACC senior law enforcers about the emerging integrity risks in business organization and the use of best practices to manage them.
- Gain insights, lessons from real life cases of corruption in the business world and provide practical solutions to counter them especially the important sectors exposed to risk which involves integrity issues and immediately put into practice a control mechanism to curb malpractices.
- Understand what offences constitutes acts of corruption stipulated in the Corporate Liability Provisions 2018 of the MACC Act 2009, to safeguard and, prevent the risk of company director/partner/senior officers from being prosecuted for unlawful activities convicted by employee/agent.
- Detect and report accordingly to the relevant enforcement authorities the commission of irregularities and malpractices in business organizations in order to be able to effectively manage your compliance program and mitigate risk or at least keep to the minimum.

Organiser – The Malaysian Integrity Academy

Our vision is to ensure that everyone in Malaysia will inculcate an integrity culture in the business world, adhered by the code of professionalism and ethics.

Malaysian Integrity Academy is a corporate training and human capital management consulting service provider. We specialise in the areas of business integrity framework, ISO 37001 ABMS, anti-corruption infrastructure, formulate whistleblowing mechanism, risk intelligence, preventing hidden fraud and malpractices, background screening and investigation. Our training programs are fully subsidized by the Human Resources Development Fund (“HRDF”) under the Ministry of Human Resources of Malaysia.

Registration Package

Ultra Early until 30 Sep 2018	Fee : RM1,180 / person
Early Bird 01 – 31 Oct 2018	Fee : RM1,280 / person
Regular 1 Nov – 15 Nov 2018	Fee : RM1,480 / person

10% discount for five (5) or more participants from same organization (one billing address).
Registration fees include light breakfast, tea breaks, luncheon.

- Registration closes on 16 November 2018
- This event is HRDF claimable.
- Limited seats. First-come-first served basis.

Registration Form

(If sending more than one delegate, please fill in personal details separately. This Registration Form can be photocopied)

Delegate's Information

Salutation _____ Full Name _____
Designation _____ Organization _____
Address _____
Office Tel _____ Mobile _____ Email _____

HR / Training / Key Contact of Senior Management

Name _____ Designation _____
Office Tel _____ Mobile _____ Email _____

Registration & Payment's Policy, Terms & Conditions

It shall remain your responsibility to read prudently the registration and payment's policy, terms and conditions.

- Please email a completed Registration Form to integrity@integrity2u.my
- Upon registration, participant(s) are considered successfully enrolled in the event and fee is non-refundable.
- We regret that a full fee will be charged for cancellation of confirmed registration.
- Replacement / substitute participant(s) from the same organization is allowed with written notice.
- Full payment is required prior to attending the event.
- A penalty fee of monthly 2% shall be charged if fee is not received on the first day of event.
- Fee is payable to Account No. 3205987008, Public Bank in favour of MALAYSIAN INTEGRITY ACADEMY SDN. BHD. A proof of payment should be emailed to integrity@integrity2u.my
- Upon signing the Registration Form, you consent to the use and processing of your information collected by the Malaysian Integrity Academy Sdn Bhd ("MIA").

Disclaimer

MIA reserves the right to amend the date/venue/facilitator/content of the program and/or terms as it deems necessary. MIA also reserves the right to make alternative arrangements without prior notice should it be necessary to do so. Upon signing up and submitting the Registration Form, you are deemed to have read and accepted the registration policy, terms & conditions and disclaimer.

I hereby register and accept the terms & conditions

Signature and Organization Stamp

For further information or to register please contact
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MACC Amendment Bill Introduces Corporate Liability for Corruption Offences

The Sun Daily. By Lee Shih. 29 March 2018

PETALING JAYA: The MACC Amendment Bill 2018 has been presented in Parliament on March 26. If the Bill is passed, these provisions will come into force once the amendment Act is gazetted. The main thrust of this Bill is to introduce a new far-reaching corporate liability provision into the MACC Act. There are key changes and steps that companies, and its directors and officers have to be aware of.

As listed in the Bill's Explanatory Statement, the Bill will introduce a new section 17A into the MACC Act. This section will set out that a commercial organisation commits an offence if any person associated with the commercial organisation commits a corrupt act in order to obtain or retain business or advantage for the commercial organisation. Here are the six key issues you need to be aware of:

#1: The New Corporate Offence

A commercial organisation will now commit an offence if a person associated with the commercial organisation does the following:

- (i) That person corruptly gives, agrees to give, promises or offers to any person any gratification; and
 - (ii) That person has the intention to obtain or retain business or an advantages for the commercial organisation.
- So the corrupt act of such an associated person will now be attributed to the commercial organisation.

反贪法案三读通过.员工涉贿公司同受罚

星洲日报 Sinchew Daily (05 - 04 - 2018)

(吉隆坡4日讯) 下议院今午三读通过2018年反贪污委员会法案, 加入”企业责任“条文, 若员工涉及贿赂, 公司需背负刑事责任, 同样会受到对付。法案阐明一旦下属贪污, 公司负责人也要承担责任公司负责人可被罚款最高100万令吉, 或监禁20年, 或两者兼施。

负责人定义是董事或管理层首

相署副部长拿督拉查里在下议院为2018年反贪污委员会法案二读总结时表示, 公司负责人的定义是公司董事或管理层。

他表示一旦法案通过后, 政府将给予两年缓冲期, 给予公司时间制定防范贪污机制, 包括举办反贪醒觉活动以提高反贪醒觉意识等, 两年之后才正式执行。他指出, 这项法案旨在减少企业机构内的贪污问题, 打造一个更干净, 零贪污的经商环境法案阐明, 商业组织可透过证明领导层, 合伙人及职员行贿没有获得公司同意, 且商业组织已履行责任实行防范贪污的措施, 为自己辩护。

法案新增第17A条文, 若商业组织领导层, 合伙人或职员为了2种目的, 即 (1) 为商业组织取得或保住生意, 或 (2) 为商业组织在经商方面获得或保住好处, 为了个人或他人利益而同意, 答应或献议给予报酬, 相关商业组织等同违法。

罚款100万或监20年

一旦罪成, 商业组织的罚款额为报酬金额不少于10倍的数额, 或100万令吉, 视何者更高;或监禁不超过20年, 或两者兼施。.....