

OPEN  
ENROLMENT  
PROGRAM

# Raising Defences: Section 17A, MACC Act

## FACULTY

Tan Sri Hj Abu Kassim Mohamed  
Datuk Paduka Muhammad Juanda Abdul Rashid  
Khoo Guan Huat  
Teh Chau Chin  
Datin Radhika Nandrajog

## WHO SHOULD ATTEND

- Directors of companies
- Senior management of companies
- Legal Counsel
- Compliance Officers
- Persons associated with commercial organisations

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Course Fee: RM1,500 before SST



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## PROGRAM OVERVIEW

On 1 June 2020, the corporate liability provision of the Malaysian Anti-Corruption Commission Act (MACC Act) came into force with wide-ranging repercussions.

This program seeks to provide an understanding of the corporate liability provision of the MACC Act, and its implications for boards and senior management. It will also delve into the definition of corruption and what would constitute adequate procedures to protect boards and senior management. The program will include discussion of case studies and suggestions on how to integrate the Organization Anti-Corruption Plan into the organization's strategic and operational business plans.

At the end of the program, participants will be able to:

- Articulate the requirements of Section 17A of the Malaysian Anti-Corruption Commission Act (MACC Act);
- Define bribes and the implications of giving and accepting bribes;
- Gain knowledge on how to establish 'adequate procedures' as defence;
- Articulate the components of an Organization Anti-Corruption Plan (OACP);
- Learn how to integrate the OACP into strategic and operational business plans;
- Gain knowledge about measures to detect, prevent and respond to corrupt practices.

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## PROGRAM CONTENT

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### THE LAW

The program will cover the following areas:

#### **An Overview on Corruption**

How serious is corruption in the corporate world? How do we quantify the threat? How do we solve the corruption equation in business?

#### **Definition of Corruption**

- What constitutes corruption?
- What is a bribe?

#### **Corporate Liability Provision**

- Corporate Liability Provision - Section 17A MACC Act
- Consider the implications of:
  - Different corporate structures e.g. between a holding company and a subsidiary; and between a subsidiary with another subsidiary.
  - Ownership and linkages with international entities
- Offences and sentencing
- Sharing of case studies and examples

## SAFEGUARDS & TOOLS & MONITORING

### Principles of Adequate Procedure

This session will explore the principles of adequate procedure with a drill down on each procedure including the following:

◆ Laws & regulations	<ul style="list-style-type: none"><li>• Whistleblowing Act</li><li>• Other relevant Acts</li></ul>
◆ Safeguards	<ul style="list-style-type: none"><li>• National Anti-Corruption Plan (NACP)</li><li>• Adequate Procedures</li><li>• ISO 37001</li></ul>
◆ Tools	<ul style="list-style-type: none"><li>• Corruption Risk Management (CRM)</li><li>• Anti-Bribery Management System (ABMS)</li><li>• Organizational Anti-Corruption Plan (OACP)</li></ul>
◆ Monitoring & Evaluation	<ul style="list-style-type: none"><li>• Integrity Assessment</li></ul>

### National Anti-Corruption Plan (NACP)

The National Anti-Corruption Plan (NACP), launched by our then Prime Minister, Tun Dr Mahathir Bin Mohamed on 29th January 2019, seeks to instil clear and strong principles of transparency, accountability and integrity as well as good governance to combat corruption. This session will provide participants with:

- a broad overview of the 6 risk areas that are vulnerable to corruption ie political governance, public sector administration, public procurement, legal & judicial, law enforcement and corporate governance;
- highlight the immediate action points for the 22 priority initiatives out of the total 115 from the 6 key strategies relating to integrity, transparency and accountability of political actors, public administration, Government procurement, law enforcement, legal & judicial, and the corporate entities governance in Malaysia and the potential effect the strategies will have on corporates;
- components of an Organizational Anti-Corruption Plan which all Government agencies and other relevant entities are encouraged to develop; and
- sharing of real life cases and examples.

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**Tan Sri Haji Abu Kassim Mohamed** is the recently retired Director General at the National Centre for Governance, Integrity and Anti-Corruption, Malaysia. He has a total of 32 years of experience as an anti-corruption practitioner, with more than 6 years as the Chief Commissioner at the Malaysian Anti-Corruption Commission (MACC).

He obtained a Bachelor's degree in Social Science from the University Science Malaysia and has a Masters in Criminal Justice from Michigan State University, USA.

He has been a member of the Board of Governors of the International Anti-Corruption Academy (IACA) since 2012, and was also on the Board of Directors for the Malaysian Institute of Integrity (INTEGRITI). In 2015, he was conferred an honorary Doctor of Law from University Technology MARA (UiTM).

Currently, he serves as the Chairman at Perdana International Anti-Corruption Champion Foundation (PIACCF), an Adviser at International Anti-Corruption Academy (IACA), Vice President of the International Association of Anti-Corruption Authorities (IAACA), and is the Chairman of The National Financial Crime Centre (NFCC).



**Datuk Paduka Muhammad Juanda Abdul Rashid** is a consultant on compliance policy and framework specialising in system compliance in legal, ethics, integrity and anti-corruption.

He was formerly a Solicitor General with the Government of Brunei. He had also served as the Director of Anti-Corruption Bureau Brunei from 2011 until 2017 where his experience was at the forefront of combating corruption through investigation, prevention and education.

Given his experience, he specialized in building organizational integrity, ethical leadership and culture – both in the public and commercial sectors. He has been invited to many international forums and conferences where he has lectured and presented papers on a variety of legal topics including corruption investigation, assets recovery, money laundering, organisational integrity, ethical decision-making and leadership, private sector corruption, and corporate liability.

During his tenure with the Anti-Corruption Bureau, he was actively engaged in integrity building initiatives in the oil and gas industry. He was involved in the Vendor's Business Integrity Forum organised by Shell Joint Venture Companies where he worked closely with key stakeholders and board members of oil and gas companies operating in Brunei.

As an independent consultant, he has been engaged by the International Anti-Corruption Academy, based in Vienna Austria, to conduct integrity and good governance courses to several organizations in the Middle East and parts of Asia.

He is a law graduate from the University of Northumbria at Newcastle, United Kingdom and a Barrister member of the Lincoln's Inn of England.



**Mr Khoo Guan Huat** commenced his legal career with the Attorney-General's Chambers, Malaysia, in 1987 and joined Skrine in 1993. He currently chairs the Intellectual Property Dispute Resolution Practice Group in Skrine and focuses his practice on Intellectual Property and Commercial Disputes.

He regularly appears as counsel in courts at all levels and in arbitration proceedings and sits as Arbitrator in a number of matters. He has been consulted on and provided advice in a number of matters, including those with respect to Anti-Money Laundering compliance issues for financial institutions.

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He has also appeared as an expert witness on Malaysian law in various proceedings, including arbitration proceedings, in the United States and Singapore. He was part of the Malaysian delegation to the Arbitration Working Group at the United Nations Commission on International Trade Law (UNCITRAL). The Arbitration Working Group's efforts resulted in the revised UNCITRAL Rules being published in 2010. Khoo is the first Malaysian lawyer with full registration to practice in the Singapore International Commercial Court.



**Mr Teh Chau Chin** was a former Consultant at Inspection and Advisory Division, Malaysian Anti-Corruption Commission (MACC). His primary scope of work is in establishing Enterprise Risk Management framework (ERM) for MACC and develop MACC's Corruption Risk Management (CRM) services for public and private sectors. His roles also include providing support for MACC's Anti-Corruption & Ethics Centre (ACE).

Prior to this, Mr Teh was Executive Director at KPMG Bangkok and Associate Director at KPMG Malaysia in the Risk Advisory and Compliance Services practices. He has over 23 years' experience in financial and internal audits, enterprise risk management and other governance, risk and compliance advisory services. He works closely with Boards and senior management on establishing ERM framework in line with international risk management standards. Mr Teh also served 2 years as the Chief Risk Officer of a public listed company in Malaysia.

Currently, he works as an Independent Risk Management Consultant, in assignments related to establishing integrity programs, implementation of ISO 37001: Anti-Bribery Management System (ABMS), conduct training on Corruption Risk Management and Enterprise Risk Management, and speaker for conferences. His clients include companies from GLCs and public listed companies in oil & Gas, Construction and Property Development, Energy sector, Plantation, Investment Funds (EPF and TH), Public Sectors including ministries, local governments, government agencies and enforcement agencies.



**Datin Radhika Nandrajog** has over 18 years of cross border experience in strategic consulting, corporate finance and audit, governance and integrity, and anti-corruption and risk management advisory services.

She was a former Consultant at Inspection and Advisory Division, Malaysian Anti-Corruption Commission (MACC). Her primary role as Chief Operating Officer, was to establish the first Anti-Corruption and Ethics (ACE) Centre in Malaysia. This Centre acts as a centralised resource; knowledge and solution centre when dealing with corruption in Malaysia from an educative and preventive stand and is used to connect the MACC to the public and private sectors to help fight corruption. The fundamental objective was to enhance integrity, governance and address anti-corruption on the agenda of organisations. Her responsibilities included reporting directly to the Chief Commissioner and Board. Her roles also included providing support for developing MACC's Corruption Risk Management (CRM) services.

Prior to this, Radhika was part of the Corporate Finance team at PricewaterhouseCoopers Malaysia, providing valuation and strategic consulting services to clients operating within the Government and Private sectors. Her notable contributions include the development of strategic blueprints for public listed companies, project management and financial due diligence of major conglomerates. Radhika is a qualified Fellow Chartered Accountant from the Institute of Chartered Accountants in Ireland (ACA, FCA). She trained and worked with BDO Simpson Xavier (Ireland) and was the leader in charge of the firm's major clients including large property development and investment, telecommunication and pharmaceutical companies amongst other major conglomerates operating within Ireland and the United Kingdom.

Currently, she works as an Independent Risk and Strategic Management Consultant, in assignments related to establishing Integrity and Anti-Corruption programmes, implementation of ISO 37001: Anti-Bribery Management System and conducts training on Corruption Risk Management. Her clients include companies from GLCs and public listed companies in, Construction and Property Development, Energy sector, Insurance and Financial Institutions.

## REGISTRATION FORM

Raising Defences: Section 17A, MACC Act

FEE: RM1,500 before SST

NAME

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DESIGNATION

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COMPANY

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ADDRESS

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CONTACT TEL. NO. (COMPANY)

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CONTACT TEL. NO. (PERSONAL)

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EMAIL ADDRESS

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NAME OF SECRETARY

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CONTACT TEL. NO.

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EMAIL ADDRESS

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