

OPEN  
ENROLMENT  
PROGRAM

# Raising Defences: Section 17A, MACC Act

## FACULTY

Tan Sri Hj Abu Kassim Mohamed  
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. Since then, there has been an increase in the number of corruption cases being charged in court. On 18 March 2021, Pristine Offshore Sdn Bhd became the first company to be charged under this Act.

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** retired from the last post as the Director General at the National Centre for Governance, Integrity and Anti-Corruption, Malaysia in December 2020.

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.

On completion of the first degree, in 1984, he was appointed as an Investigation Officer at the Anti-Corruption Agency (ACA), Malaysia. He has held various positions, including Director of Planning and Coordination, Director for Anti-Corruption Agency, State of Perak, the Director for ACA State of Penang, and Director for Malaysia Anti-Corruption Academy (MACA).

In 2007 he was appointed to the post of Deputy Director General in-charge of operations at ACA Malaysia and later in 2010 was appointed as the Chief Commissioner of Malaysian Anti-Corruption Commission (MACC). He has also held the position of Chief Commissioner for more than six years till July 2016.

Besides remarkable career progression at ACA/MACC, he was a member of the INTERPOL Group of Experts on Corruption (IGEC), an Executive Committee for the International Association of Anti-Corruption Authorities (IAACA), and Committee member for the Sheikh Tamim Al Thani Anti-Corruption Excellence Award (ACE).

He has been a member of the Board of Governors of the International Anti-Corruption Academy (IACA) since 2012, was also on the Board of Directors for the Malaysian Institute of Integrity (INTEGRITI) and at current an Adjunct Professor at one of the faculty in UPM.

Presently, he is the Founder and Chairman for Koperasi Kebuniti Selangor Berhad, and the founder and Chairperson for the Perdana International Anti-Corruption Champion Foundation (PIACCF).



**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.

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.

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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** specializes in areas related to establishing Integrity and Anti-Corruption programmes, implementation of ISO 37001: Anti-Bribery Management System and implementation of Corruption Risk Management, Corporate Liability (Section 17A) and Adequate Procedures Guidelines.

Datin Radhika Nandrajog has over 21 years of cross border experience in strategic consulting, corporate finance and audit, governance and integrity, and anti-corruption and risk management advisory services.

She engages boards and leaders of organisations to address anti-corruption and manage the business operation with high level of integrity and in compliance with laws and regulations. Her key roles include:

- Providing consulting services to support the implementation of an anti-corruption framework for organisations to detect, prevent and respond to corruption risks. This includes the implementation of CRM as a strategic tool for business to embed within the Enterprise Risk Management (ERM) framework, development of effectiveness indicators for monitoring levels of compliance;
- Providing training on the MACC Act 2018, Corporate liability (Section 17A) and Adequate Procedures guidelines and related advisory work to manage the level of Integrity and Governance within an organisation;
- Worked as a team member alongside the GIACC (National Center of Governance, Integrity & Anti-Corruption) and United Nations Development Program (UNDP), for a Pilot project on implementation of ISO 37001 ABMS for 9 high risks agencies from ministries, state governments and local authorities;
- Faculty member and key speaker for ICLIF on a series of seminars on Corporate liability, Adequate Procedures; and
- Contributor to the National Anti-Corruption Plan (NACP) launched in 2019.

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. Radhika is also a member of the Malaysian Institute of Accountants (MIA) and a certified Human Resource Development Corporation (HRD Corp) trainer.

## REGISTRATION FORM

Raising Defences: Section 17A, MACC Act

FEE: RM1,500 before SST

NAME

DESIGNATION

COMPANY

ADDRESS

CONTACT TEL. NO. (COMPANY)

CONTACT TEL. NO. (MOBILE) (mobile no of participant is mandatory to gain access to ASB Mobile App)

EMAIL ADDRESS (email address of participant and not a representative)

MEAL PREFERENCE:  VEGETARIAN  NON-VEGETARIAN

NAME OF SECRETARY

CONTACT TEL. NO.

EMAIL ADDRESS

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Please send your registration form to [fide@asb.edu.my](mailto:fide@asb.edu.my)

Please email a copy of the payment receipt to [asbfinance@asb.edu.my](mailto:asbfinance@asb.edu.my)

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