

CORPORATE LIABILITY FOR CORRUPTION OFFENCES: MACC ACT SECTION 17A, ADEQUATE PROCEDURES AND ISO 37001 ANTI-BRIBERY MANAGEMENT SYSTEMS

COURSE INTRODUCTION

Section 17A of the MACC (Amendment) Act 2018 came into effect on 1st June 2020 and introduced corporate liability for corruption offences for the first time in Malaysia. The amendment means that company directors and senior management will now be held personally liable for acts of corruption committed by the company, either by their own personnel or by parties acting on behalf the organisation. Penalties include fines and prison sentences of up to 20 years for those in charge of the business. The prosecution can be conducted where the director or manager did not participate in the action, or even know about it. However, companies which have been proactive in preventing corruption occurring can present the defence of having “adequate procedures” in place, to prove the necessary measures were taken to prevent the incident occurring and therefore those in charge should not be held liable.

COURSE OBJECTIVES

The half-day online training will explain the law amendment and guide participants on how to establish the necessary adequate procedures using the Malaysian Government’s “Guidelines on Adequate Procedures” as the framework. Participants will be equipped with an in-depth understanding of the new legislation, what the adequate procedures require in practice and direction on how to set up the main procedures, including monitoring and enforcement. An overview of ISO 37001:2016 for Anti-Bribery Management Systems (ABMS) will also be provided.

COURSE CONTENTS

- Anti-corruption legislative landscape: Malaysian and international laws covering corporate liability for bribery and corruption offences.
- Adequate procedures requirements: Exploration of the principles and practical application using the T-R-U-S-T framework:
 - Top-level commitment
 - Risk assessment for corruption
 - Undertake control measures
 - Systematic review, monitoring and enforcement
 - Training and communication
- Introduction to ISO 37001

LEARNING OUTCOME

By attending this course, the participants will be able to:

- Understand how corporate liability for corruption works and what adequate procedures are needed to protect the company.
- Develop an understanding on the components of an effective anti-corruption programme based on the “Guidelines on Adequate Procedures”.
- Understand the principles of monitoring and enforcement for the programme.
- See the ISO 37001 structure and how the ISO relates to the adequate procedures requirements.

WHO SHOULD ATTEND

Company secretaries, company owners, CEOs, MDs, directors of small enterprises, managers in charge of risk, governance, anti-corruption or corporate affairs; integrity managers, internal auditors and external auditors.

ABOUT THE TRAINER

Dr Mark Lovatt is CEO of Trident Integrity Solutions Sdn Bhd, and internationally recognised as an expert in anti-corruption, business integrity and ethics. Prior to leading Trident, Dr Lovatt was the Business Integrity Programme Manager for Transparency International Malaysia, and concurrently the Managing Director of TI BIP Malaysia Sdn Bhd, the consultancy wing of the chapter. He holds a BA (Hons) and PhD from Nottingham University, UK, and has a background in IT, corporate regulation and business development in the power and gas sector. One of the few PECB-certified Lead Implementers for ISO 37001, he is also a Member of the UN Development Programme Private Sector Advisory Group, leading on overcoming corruption challenges in large-scale infrastructure projects. He speaks at conferences across the region and has worked with governments, global agencies, multinationals and GLCs to deliver effective measures for building business integrity.

ADMINISTRATIVE DETAILS		
DATE	PLATFORM	EVENT CODE
08 September 2021	Webinar @ Microsoft Teams	115/21/CEP/WEB
Time	9.00 a.m. - 1.00 p.m.	
Training Methodology	Lecture and Case Discussion	
Fee	RM300.00 RM250.00	Standard Licensed Secretary. Member of MAICSA, MIA, Malaysian Bar, MACS, MICPA, Sabah Law Assoc. & Advocates Assoc. of Sarawak.
CPE points	4	