

CORPORATE LIABILITY AND ESTABLISHING ADEQUATE PROCEDURES FOR SMALL MEDIUM ENTERPRISES

COURSE INTRODUCTION

The corporate liability amendments to the MACC (Amendment) Act 2018 was enforced on 1 June 2020.

What does this mean? Are you at risk?

From 1 June 2020, directors and top management of companies - of all sizes - will be held personally liable for any acts of corruption committed for the benefit of the business. Penalties include huge fines and jail sentences of up to 20 years for those in charge of the company, even if they had no personal involvement in the incident. The sole defence is that the company had established “Adequate Procedures” prior to the act: an anti-corruption programme as specified by the Government which proves that the company did all that was reasonably possible to prevent the incident from occurring in the first place. The National Centre For Governance, Integrity and Anti-Corruption (GIACC) has issued the Guidelines on Adequate Procedures pursuant to section 17A(5) of the MACC Act.

How ready is your organisation to safeguard its directors, partners, top management and personnel against a corruption prosecution?

COURSE OBJECTIVES

Participants will learn of the improvements made to the winding up laws set out in the Companies Act 2016. The voluntary winding up process is maintained and is divided into members' voluntary winding up and creditors' voluntary winding up. However, there are changes in the court winding up process, starting from the statutory demand up to after the winding up order is granted. Participants will also learn about the changes in the striking off provisions including the procedure and the new guidelines. Finally, learn how the assets of dissolved companies are managed. At this seminar, participants will hear about the legal framework from the regulator's perspective and get insights of practical issues from the practitioner's viewpoint.

WORKSHOP INTRODUCTION

This is a dynamic 2-day workshop for small enterprises (companies of less than 250 personnel), during which participants will be briefed on corporate liability as stated in the MACC (Amendment) Act 2018. They will develop their own in-house anti-corruption system using simple pre-prepared templates, which they can then implement at their company following the course.

COURSE OBJECTIVES

- Enable participants to understand how corruption may impact their company, what corporate liability for corruption offences means and what constitute the effective measures required by the Government.
- Equip small enterprises with a set of materials for their anti-corruption programme to help protect the organisation, managers and directors against corporate liability arising from a corruption incident.

COURSE CONTENTS

1. Introduction to National Anti-Corruption Plan of Malaysia.
2. Briefing on Corporate Liability: MACC Act 2009; 2018 Amendment; Adequate
3. Procedures project management for Adequate Procedures programme
4. Development of tailored materials for implementation in participants companies, using the Adequate Procedures framework:
 - T:** Top Level Commitment
 - R:** Risk Assessment for Bribery
 - U:** Undertake Control Measures
 - S:** Systematic Monitoring, Review and Enforcement
 - T:** Training and Communication

LEARNING OUTCOME

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

- Understand corporate liability for corruption offences as introduced by the MACC (Amendment) Act 2018.
- Comprehend the “Adequate Procedures” companies are required to establish as stated in the official Malaysian Government Guidelines.
- Develop materials based on the said Guidelines which can be taken back to the company for use in their anti-corruption programme.
- Understand how to implement the materials using a simple project plan.

WHO SHOULD ATTEND

- Company owners, CEOs, MDs, directors of small enterprises
- Managers in charge of risk, governance, anti-corruption or corporate affairs
- Company secretaries
- Integrity officers / managers
- Auditors (internal / external)

ABOUT THE TRAINER

Dr Mark Lovatt, Chief Executive Officer of Trident Integrity Solutions Sdn Bhd, is an internationally recognised expert in private sector corruption. Resident in Malaysia for over 10 years, he speaks regularly at conferences across the region, and has worked with governments, global agencies, multinationals, GLCs and anticorruption organisations to deliver effective measures to combat corruption. He holds a BA (Hons) and PhD from Nottingham University, United Kingdom.

ADMINISTRATIVE DETAILS

DATE	PLATFORM	EVENT CODE
09 - 10 June 2021	Webinar @ Microsoft Teams	069/21/CEP/WEB
Time	9.00 a.m. - 5.00 p.m.	
Training Methodology	Lecture and Case Discussion	
Fee	RM1,000.00 Standard RM800.00 Licensed Secretary. Member of MAICSA, MIA, Malaysian Bar, MACS, MICPA, Sabah Law Assoc. & Advocates Assoc. of Sarawak.	
CPE points	16	