

DIRECTOR DUTY TO EXERCISE DUE CARE SKILL AND DILIGENCE

COURSE INTRODUCTION

The Companies Act 2016 ("the Act") imposes on a director of a company the statutory duties of due care skill and diligence has a common law root. This session is to understand how statutory provisions like Section 213(2), 214, 215, 216 and 217 applies in real life by referring to decided cases. The scenarios in the case will serve to visualise the application of the rules in a factual case scenario to decide in any given case if a statutory or common law duty has been breached



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COURSE OBJECTIVES

By attending this course, the participants are looking into real life adjudicated case examples on the subject matter of director duty of care to exercise skill and diligence. Real life case examples will assist to reflect on the scenario of when a breach could arise or occur. The demonstration of a decided case example is to strengthen insight into the application of a principle of law to case scenarios that would result in impactful practical examples.

COURSE CONTENTS

- Statutory requirement imposed.
- Requirements for the business judgement rule, reliance on the information provided by others, responsibility for the action of delegate and the responsibility of a nominee directors.
- Director's duties applied in the case context.
- Analysis by case studies.

LEARNING OUTCOMES

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

- Explain the statutory requirement imposed on the Director to exercise reasonable skill and diligence.
- Explain the requirements for the business judgement rule, reliance on the information provided by others, responsibility for the action of delegate and the responsibility of a nominee directors.
- Analyse the decided cases of the given case scenario(s) to consider how Director's duties applied in the case context.

WHO SHOULD ATTEND

Company secretaries, company secretarial assistants, company directors, lawyers, accountants and corporate consultants.



ABOUT THE TRAINER

Dr. Usharani Balasingam was an Associate Professor (retired in early Dec 2023) with the Faculty of Law, University of Malaya. Prior to that, her work experience includes being an active legal practitioner of law as an Advocate and Solicitor of the High Court of Malaya. She was also in legal corporate advisory in Kuala Lumpur City Centre Berhad before entering academia. Dr Usha has taught Company Law and Corporate Governance in the Faculty of Law, University of Malaya. She has researched and presented papers in local and international conferences. She has published articles in local and international journals and book chapters in the areas of education, law and ethics. She has also undertaken consultancy and projects in these areas. Dr Usha is a co-author of Navigating Companies Act 2016 for SMEs (2018, Sweet & Maxwell).

Her publication on corporate law related matters includes:

1. Section 17A of the Malaysian Anti-Corruption Act 2009: Corporate Liability and Beyond Malayan Law Journal vol 5 July - August 2020 Lexis Nexis;
2. Directors Duties: The Foundation of Good Corporate Governance (Part 1) 2019 Current Law Journal Vol 7 p 1; and
3. Directors Duties: The Foundation of Good Corporate Governance (Part 2) 2019 7 Current Law Journal xxxiii.



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ADMINISTRATIVE DETAILS

Date	19 September 2024
Platform	Virtual platform
Time	9.00AM – 1.00PM
Training Methodology	Lecture and case discussion
Fee	RM300.00 Standard RM250.00 Licensed Secretary. Member of MAICSA, MIA, Malaysian Bar, MACS, MICPA, Sabah Law Society & Advocates Assoc. of Sarawak.
SSM CPE Points	4 Points

HOW TO REGISTER?

STEP 1

Strictly via online registration at <https://e-comtrac.ssm.com.my>

STEP 2

NEW USER (First Time Login)

- Click on **SIGN UP**
- Key in **REGISTRATION INFORMATION**
- Click on **REGISTER**
- Key in **USERNAME** and **PASSWORD**

EXISTING USER

- Key in **USERNAME** and **PASSWORD**
- Click on **SIGN IN**

STEP 3

- Select training
- Check on Available Seat
- Click on Add Participant
- Key in participant's information
- Click on Submit
- Check participant's details
- Click on Submit Payment

Note: Please submit your application within 15 minutes. Otherwise the system will automatically cancel your transaction and you will lose your seat(s). Please re-apply if you wish to proceed. Full payment shall be made at the point of registration.



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- All training programmes registrations MUST be applied through e-COMTRAC. Upon submitting the registration application, participant is deemed to have read and accepted the terms and conditions herein.
- Payment by cash and cheque is not acceptable effective from January 2021.

Webinar Access Link

- A notification e-mail with the webinar access link will be sent at least 24 hours before the commencement of the webinar.
- The access link is unique for registered participants and should not be forwarded or shared with others.

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- Participant will be issued a Certificate of Attendance upon full attendance of the programme and payment is received.
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- SSM will charge an administrative fee of RM30.00 per copy for any replacement of certificate due to errors in name or identification card number wrongly filled by participant / representative during registration or loss of certificate, etc.

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Transfer

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Human Resources Development Corporation

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