

# 2022

## SSM Webinar



# SECTION 17A MALAYSIAN ANTI-CORRUPTION COMMISSION ACT 2009 & ADEQUATE PROCEDURES

Initiative 6.2.4 of the National Anti-Corruption Plan (NACP) 2020-2023

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## COURSE INTRODUCTION

The Adequate Procedures Guideline was launched on 10th of December 2018 and this is consistent with Sub-section (5) Section 17A, MACC Act 2009 as stipulated in the MACC Act (Amendment) 2018.

The Section 17A of the MACC Act (Amendment) 2018 came into effect on 1st June 2020 and it introduced the Corporate Liability concept. A commercial organization may be punished for the act of giving or offering gratification by associated persons in the interest of the said commercial organization.

The Malaysian Institute of Integrity along with 18 leading agencies including Companies Commission of Malaysia (SSM) has developed this module for training on the implementation of Adequate Procedures by commercial organization. This training course is offered to the management of all business sectors that is included under the definition of commercial organization and they are:

- Companies established under the Companies Act 2016;
- Foreign companies conducting business in Malaysia;
- Partnership and limited liability partnership established under Partnership Act 1961 and Limited Liability Partnerships Act 2012; and
- Foreign partnership and Limited Liability Partnership conducting business in Malaysia.

## COURSE OBJECTIVES

At the end of this programme, participants will be able:

- To understand the basic requirement of provisions regarding the corporate liability law under Section 17A of the MACC Act 2009 and its details as prescribed in the Act.
- To identify strategy, method and element to maximize anti-corruption programme effectiveness in their organization through "T.R.U.S.T." elements as the basis in implementing adequate procedures.
- To assist commercial organization to understand and apply adequate procedures in respective organizations for the purpose of curtailing corruption issues as well as adhering to Section 17A of the MACC Act 2009.

## LEARNING OUTCOME

By attending this course, participants will be able to:

- Explain the importance of the corporate liability law under Section 17A of the MACC Act 2009 and its details.
- Identify the requirements of the related corporate liability law to a commercial organization in efforts to avoid corruption acts.
- Understand and determine the appropriate adequate procedures methods for a commercial organization and how this relates to global standards on anti-corruption procedures.

## COURSE CONTENTS

This training is divided into four (4) modules as follows:

**Module 1:** Introduction and background to corporate liability laws.

**Module 2:** Definition and details of clauses under Section 17A of the MACC Act 2009.

**Module 3:** Adequate Procedures (Part 1) - Adequate procedures as an effort to avoid corporate liability, T.R.U.S.T. principles in adequate procedures, top-level management commitment, risk management and implementation examples & elements.

**Module 4:** Adequate Procedures (Part 2) - Control measures implementation, systematic review, monitoring and enforcement, training and communication and implementation examples & elements.

**CORPORATE LIABILITY** - Section 17A of the MACC Act 2009 is a provision that stipulate corporate liability principles where commercial organization is committing an offence if any employee and/or its associated party commits bribery on behalf of the said organization. However, the corporate organization may defend itself if it is able to prove that it has implemented 'Adequate Procedures' in their organization's operations. Corporate Liability in general means the responsibility entrusted on a corporate body on action either taken or not by associated persons with the said corporate body, where the act is intended to ensure there are benefits to the said corporate body.

**SECTION 17A MACC ACT 2009** - Section 17A (1) MACC Act 2009 stated as follows:

- (1) A commercial organization commits an offence if a person associated with the commercial organization corruptly gives, agrees to give, promises or offers to any person any gratification whether for the benefit of that person or another person with the intent:
- To obtain or retain business for the commercial organization; or
  - To obtain or retain an advantage in the conduct of business for the commercial organization.

**ADEQUATE PROCEDURES** - Adequate Procedures is the one of the defence mechanism in the event a commercial organization is charged under Section 17A MACC Act (Amendment) 2018. It is a system or practice that shows the effort of commercial organization to prevent any corruption act by persons associated with it. The National Centre for Governance, Integrity and Anti-Corruption (GIACC) issued the Adequate Procedures Implementation Guideline to assist commercial organization in developing and implementing Adequate Procedures.

# SECTION 17A MALAYSIAN ANTI-CORRUPTION COMMISSION ACT 2009 & ADEQUATE PROCEDURES

## ABOUT THE TRAINER

Panel trainer(s) from SSM.

## WHO SHOULD ATTEND

This training module is aimed for (but not limited to) board of directors, chief executive officers, chief officer of compliance, risk and integrity, organization senior management, legal officer and anyone who wants to learn about Section 17A MACC Act 2009 and adequate procedures.

## ADMINISTRATIVE DETAILS

Date	Platform	Time	SSM CPE Points
27 October 2022	Virtual platform	9.00 am - 1.00 pm	4 points
01 December 2022			
Training Methodology	Fee		
Lecture	RM300.00		

## HOW TO REGISTER?

1

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

2

### NEW USER (First Time Login)

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

### EXISTING USER of SSM EzBiz

- Key in USERNAME and PASSWORD
- Click on SIGN IN

3

- Select event code: XXX/22/CEP/WEB
- 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 registrations MUST be applied through e-COMTRAC. Upon submitting the registration application, you are deemed to have read and accepted the terms and conditions.

A participant is allowed to attend ONE programme per day to be eligible for certificate of attendance. Request for refund will not be entertained if you have registered for more than one programme per day.

No walk-in is accepted and no admission to the training programme without the confirmation slip for classroom training.

### Webinar Access Link

A notification e-mail with the webinar access link will be sent at least 1 day before the commencement of the webinar. The access link is unique for registered participants and should not be forwarded or shared with others.

### Certificate of Attendance

Participant will be issued a Certificate of Attendance upon full attendance of the programme and payment is received. 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.

### Cancellation / Absent

No refund application is entertained if participant decides to cancel his registration or fails to attend a programme. Replacement of registered participant is not allowed.

### Transfer

Transfer of registration fee to another programme is not allowed.

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All information contained in the brochure is correct and accurate at the time of publication.

## COMPANIES COMMISSION OF MALAYSIA TRAINING ACADEMY & KNOWLEDGE MANAGEMENT DIVISION

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