



KEMENTERIAN PERDAGANGAN DALAM NEGERI
DAN KOS SARA HIDUP



SURUHANJAYA SYARIKAT MALAYSIA
COMPANIES COMMISSION OF MALAYSIA

Supported by:

INTEGRITI
INSTITUT INTEGRITI MALAYSIA
The Malaysian Institute of Integrity

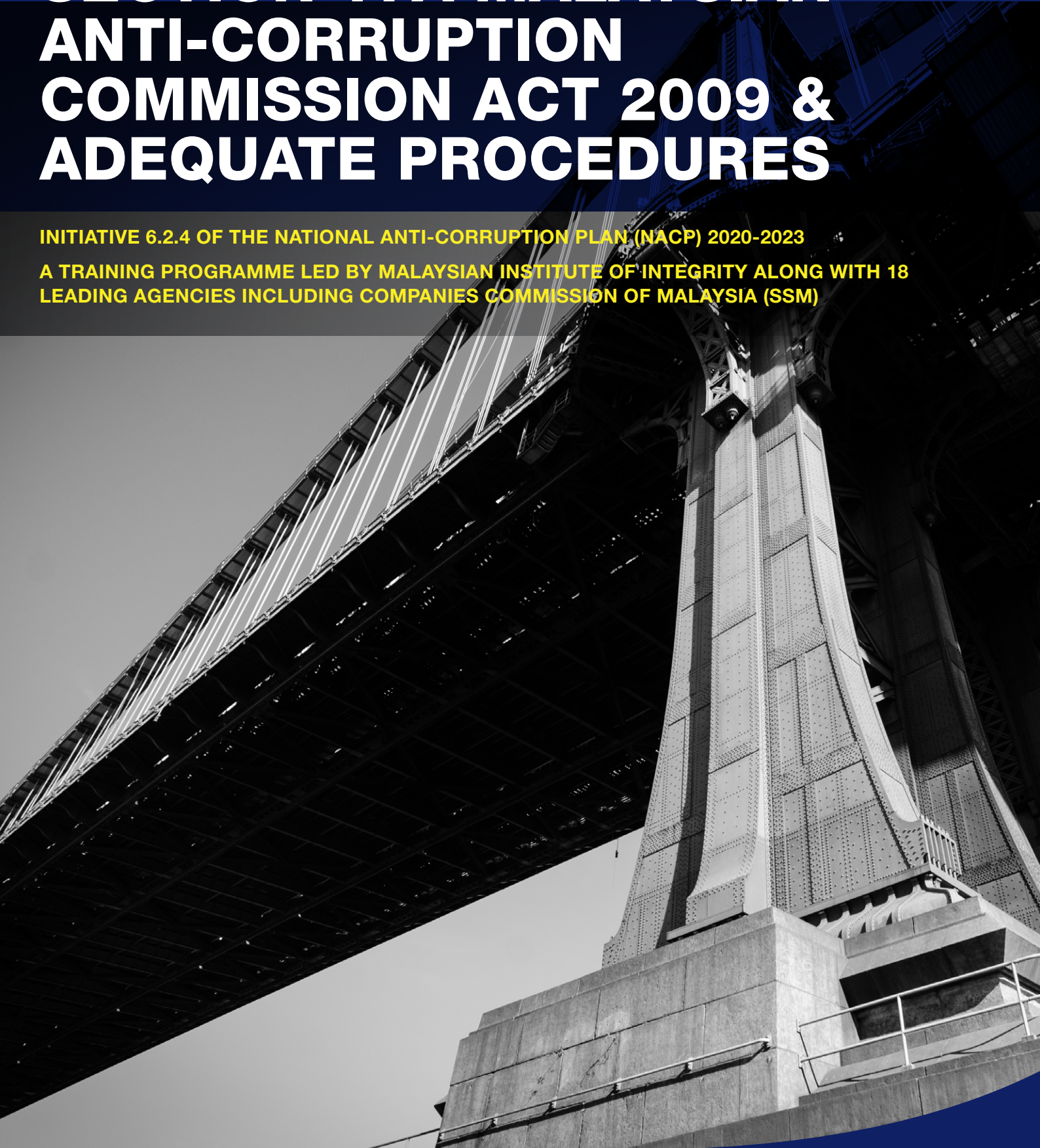
20
23

SSM TRAINING

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

INITIATIVE 6.2.4 OF THE NATIONAL ANTI-CORRUPTION PLAN (NACP) 2020-2023

A TRAINING PROGRAMME LED BY MALAYSIAN INSTITUTE OF INTEGRITY ALONG WITH 18
LEADING AGENCIES INCLUDING COMPANIES COMMISSION OF MALAYSIA (SSM)



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

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:

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

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:
- (a) To obtain or retain business for the commercial organization; or
 - (b) 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

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 OUTCOMES

By attending this programme, the 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.

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.

ABOUT THE TRAINER

PANEL TRAINER(S) FROM SSM.



Online

ADMINISTRATIVE DETAILS

Date	05 January 2023 02 March 2023 06 July 2023 25 September 2023
Venue	Virtual platform
Time	9.00 am - 1.00 pm
Training Methodology	Lecture
Fee	RM300.00
SSM CPE Points	4 points

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

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 of SSM EzBiz

- 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.

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

TERMS & CONDITIONS FOR REGISTRATION OF TRAINING PROGRAMMES UNDER COMTRAC

Payment Mode

- 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.

Certificate of Attendance

- Participant will be issued a Certificate of Attendance upon full attendance of the programme and payment is received.
- 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.
- 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 will be given for participant who failed to attend the programme.
- Replacing registered participant is not allowed.

Transfer

Transfer of registration fee to another training programme is not allowed.

Personal Data Protection Notice

Your personal data and other information provided in this application and including any additional information you may subsequently provide, may be used and processed by COMTRAC/SSM as a reference in future to communicate with you on our training programmes/events. In line with the Personal Data Protection Act 2010, we wish to obtain your agreement and consent for using your personal data. If you do not consent to the processing and disclosure of your personal data, you should send an e-mail to us at comtrac@ssm.com.my.

Human Resources Development Corporation

Suruhanjaya Syarikat Malaysia is registered as a training provider with HRD Corp under GOV1000117857. This training is claimable under SBL Scheme (employer needs to apply for grant at least one day before the commencement of training).

Copyrights

The materials of the training programme are solely for participants' personal use. No part of these materials may be stored, reproduced or transmitted in any form or by any means, including photocopying, e-mailing and recording, without the written permission of the author or The Companies Commission of Malaysia (SSM). Information contained in these documents is understood to be correct at the time of writing. The assessments and views expressed in these materials shall be treated/ regarded purely for public information and discussion and it does not constitute formal advice. The views provided are for general information to provide better clarity and understanding of the subject matter. It should not be relied upon as an alternative to specific legal advice from your lawyer or other professional service provider. If you have any specific issues and/ or questions about any legal matter, you should consult your lawyer or other professional service provider. In no event shall the Companies Commission of Malaysia (SSM) be liable for any damages, whether in an action of contract, negligence or other tort, arising from the contents in these materials.

Disclaimer

SSM reserves the right to cancel the programme, change date(s), venue(s), speaker(s) or any other changes due to any unforeseen circumstances that may arise without prior notice to participants. SSM also reserves the right to make alternative arrangements without prior notice. SSM accepts no responsibility for death, illness, injury, loss or damage of any property belonging to, or financial loss by any persons attending the programme, whatever the cause. SSM shall not be responsible for any costs, damages or losses incurred by participants due to the changes and / or cancellation. SSM is not responsible for the integrity of participants' computer or device, your internet signal bandwidth, or any other consideration outside of the control of SSM.

SSM shall not be responsible for any problems or technical malfunction, including, without limitation, the acts, omissions, problems or malfunctions of any telephone network or lines, computer online systems, servers, computer equipment, software, failure of e-mail, traffic congestion on the internet or at any web or combination thereof.

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

COMPANIES COMMISSION OF MALAYSIA TRAINING ACADEMY & KNOWLEDGE MANAGEMENT DIVISION

Companies Commission of Malaysia

Level 12, Menara SSM@Sentral
No.7, Jalan Stesen Sentral
50623 Kuala Lumpur.

Tel : +603 2299 4906/ 4440/ 5308/ 4441
Email : comtrac@ssm.com.my
Website : www.ssm.com.my