

CASE DISCUSSION: POST SECTION 17A MALAYSIAN ANTI-CORRUPTION COMMISSION (MACC) IMPLEMENTATION

6 OCTOBER 2021 | 10.00 AM - 12.00 PM



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Learning Hours:
2 hours



Fees:
MYR 350
(fee is not inclusive of 6% SST)



CPE Points Earned:
5 CPE points

MODERATOR



EZZATI MUZAMMIL
Legal Advisor, The Malaysian Institute of Integrity (IIM)



ALEX TAN
Partner, PwC South East Asia Cyber & Forensics Leader, PwC Malaysia



CHEW PHYE KEAT
Managing Partner - Raja, Darryl & Loh Advocates and Solicitors



MOHD NUR LOKMAN SAMINGAN
Head, Private Sector Branch Community Education Division, Malaysian Anti-Corruption Commission (MACC)



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PROGRAMME OVERVIEW

The corporate world is not short of corruption and bribery scandals. Previously, it has been reported and common knowledge that the risk of engaging in corrupt practices is high in the commercial sector, particular when it comes to bidding for tenders for projects and contracts worth millions of ringgit.

Hence, Section 17A implementation was deemed timely as there are concerns that businesses affected by Covid-19 crisis might lean towards corrupt practices to earn profits.

With the introduction of Section 17A of the MACC Act passed in parliament on April 2018 and its enforcement on 1 June 2020, it is indeed a wakeup call for many as drastic actions may be taken against this rampant activity to ensure a corruption-free business environment. The new provision, which is known as corporate liability, will encourage business activities to be conducted with integrity and good governance across business organisations.

PROGRAMME OBJECTIVE

This programme will provide insights into MACC Section 17A post implementation particularly around cautionary lessons that can be learnt from cases discussed. The programme will also deliberate on offences and enforcements taken upon organisation/person(s) as well as the required procedures and recommended practices in protecting and establishing defense from such incidents.

ICF COMPETENCY LEVEL



- Foundational (Regulatory) – Capital Markets Regulations (Proficiency Level 3)
- Core – Corporate Governance (Proficiency Level 3)
- Core – Ethics & Integrity (Proficiency Level 3)

WHO SHOULD REGISTER?

Individuals

Directors, Company Secretaries, Partners of Firms, C-Suites, Lawyers, Accountants, Corporate Consultants, Capital Markets Services Representative's License Holders, Professionals undertaking corporate advisory work, Financial Controllers, Head of Compliance, Head of Legal, Integrity Officers, Risk Officers, Internal Auditors

Companies

Public Listed Companies (PLCs), Legal Firms, Consultancy Firms, Accounting Firms, Fund Management Companies, Stockbroking Firms, Investment Banks

LEARNING OUTCOMES

Upon completion of this programme, participants will be able to:

- Describe the origin of MACC Section 17A and the UK Bribery Act 2010
- Explain the key purpose of MACC Section 17A
- Describe the 4 main Offences stipulated in the MACC Act 2009
- Discuss updates since MACC Section 17A implementation
- Discuss the offences and enforcement taken from relevant cases and scenarios
- Determine the red flags following Sec 17A relevant cases and its impact to organisations
- Describe the measures that can be taken to protect the organisations and businesses
- Explain the methods and procedures in establishing defense against corruption, based on MACC Section 17A recommended practices

WHAT WILL YOU LEARN?

Case Discussion: Post Section 17A Malaysian Anti-Corruption Commission (MACC) Implementation

Outline

- MACC Section 17A: Recap and latest updates
- Case discussions: Insights into corruption scandals around the globe and its key takeaways
- Background facts of the case and findings
- Red flags of corruption: Offences and enforcement
- Lessons learned and its impact
- What can you do to protect your organisation and business?
- Recommended practices in establishing defense against corruption

Moderator

Ezzati Muzammil Legal Advisor, The Malaysian Institute of Integrity (IIM)

Panellists

Alex Tan Partner, PwC South East Asia Cyber & Forensics Leader, PwC Malaysia

Chew Phye Keat Managing Partner - Raja, Darryl & Loh Advocates and Solicitors

Mohd Nur Lokman Samingan Head, Private Sector Branch Community Education Division, Malaysian Anti-Corruption Commission (MACC)

Recommended Learning Hours:

2 hours / 5 CPE points / Pre & Post Assessments

Methodology:

Case studies

MODERATOR



EZZATI BINTI MUZAMMIL

Ezzati Binti Muzammil is the first legal officer of the Malaysian Institute of Integrity. She has been widely involved in talks of corporate liability and has been the primary speaker for the training services provided by the Malaysian Institute of Integrity in relation to the law of corporate liability.

Graduated with a Legal Degree from Universiti Teknologi MARA, she has practised as a litigation and conveyancing lawyer in various legal firms. She then moved on to trying her hand on Business Development to allow herself a first hand experience engaging in the corporate world, which then led her to becoming a legal executive and pioneering the legal department in the Malaysian Institute of Integrity.

PANELLISTS



ALEX TAN

Alex is a Forensics partner based in Kuala Lumpur. He is PwC's South East Asia Cyber & Forensics Leader. Alex specialises in the prevention, detection and response to matters such as fraud, corruption, cybercrimes, conflicts of interest and money laundering.

Alex has over 33 years in the investigations and Forensics area. Prior to joining PwC in Malaysia, Alex spent 7 years with PwC New Zealand where he set up and ran the Forensics practice. Whilst with PwC NZ, he also sat on the Board of Transparency International (NZ branch). Alex also has 17 years' law enforcement experience - 9 years with the (then) Royal Hong Kong Police Force (including 3 years with the Commercial Crime Bureau) and 8 years with the New Zealand Serious Fraud Office (similar to Malaysia's MACC)



CHEW PHYE KEAT

Phye Keat has been practising law since March 1987. He is a graduate of the law faculty of University of Malaya with an LLB (Hons) and an LLM degree from the same university and is currently the Head of Corporate and Commercial in the law firm Raja, Darryl & Loh in Kuala Lumpur. Phye Keat has handled a broad spectrum of corporate and commercial transactions including joint ventures, manufacturing, telecommunications, computer contracts and information technology, licensing, franchising, foreign investment, immigration, sale of goods, construction, privatisation, infrastructure (including the first light rail transit project in Malaysia, STAR) and labour/employment.

Through his involvement with Transparency International – Malaysia in which he is a former Executive Committee Member, he was active in advocating advancement in the anti-corruption laws of Malaysia including the new Section 17A on Corporate Liability in the MACC Act 2009.

As part of his portfolio, Phye Keat has also been conducting workshops to clients from various sectors and industries on the Corporate Liability provision of the MACC Act and providing advice on compliance programs in respect of the same. He has been very active in helping various clients become compliant with the MACC Act and Guidelines on Adequate Procedures.



MOHD NUR LOKMAN SAMINGAN

Mohd Nur Lokman Samingan is the Head of the Private Sector Branch Community Education Division of Malaysian Anti-Corruption Commission (MACC).

He conducts Anti-Corruption Awareness programmes for both public and private sectors, and has over 15 years' experience which includes as an investigator and prosecuting officer at MACC.

He holds a Bachelor's Degree in Law from the International Islamic University of Malaysia (IIUM)

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*The SIDC reserves the right to amend the programme as deemed appropriate as without prior notice.

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