

CMDP: MODULE 1 DIRECTORS AS GATEKEEPERS OF MARKET PARTICIPANTS

LIVE WEBINAR AVAILABLE ON
14 NOVEMBER 2022 | 10.00AM - 12.30PM



Learning Hours:
2.5 Hours



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PROGRAMME OVERVIEW

Licensed intermediary institutions play an important systemic role in the capital market eco-system. The growth or decline of the capital market is influenced by, among others, the success and failure of these institutions. Hence, the quality of leadership at these institutions is paramount. Kiel et al (2012) suggest four levels of competence required on a board. They are as follows:

- Industry:** Experience in and knowledge of the industry in which the organisation operates
- Technical:** Technical/professional skills and specialist knowledge to assist with ongoing aspects of the board's role
- Governance:** The essential governance knowledge and understanding all directors should possess or develop if they are to be effective board members
- Behavioural:** The attributes and competencies enabling individual board members to use their knowledge and skills to function well as team members and to interact with key stakeholders

PROGRAMME OBJECTIVE

The Capital Market Director Programme is an exclusive platform for directors (and other senior leaders) of licensed intermediary institutions to be equipped with the relevant knowledge, skills and abilities (basic to intermediate level) to meet the four levels of competence as described above. The programme is also designed to allow directors and other participants to explore and deliberate on pertinent issues affecting the industry from multi-stakeholders' perspectives. The specific objectives of the programme are as follows:

- 1) Equip members of the board with knowledge and skills to provide leadership and oversight of the running of the licensed intermediary institutions.
- 2) Assist directors of licensed intermediary institutions to be an effective member of the board through latest developments in regulations and challenges, business and governance, in the capital market.
- 3) Promote a thorough understanding of the role of the Securities Commission in regulating a dynamic and competitive capital market.

This programme aims to strengthen intermediation standards and capabilities as espoused by the Capital Market Masterplan 2 (CMP2).

ICF COMPETENCY LEVEL

- Core - Corporate Governance (Proficiency Level 4)
- Core - Ethics & Integrity (Proficiency Level 4)
- Foundational (Regulatory) - Capital Market Institutions (Proficiency Level 4)

TARGET AUDIENCE

Individuals

Newly appointed directors and directors of CMSL holders

PROGRAMME

Board Fundamental and Core Duties

- Core duties of directors – fiduciary duty, duty of care, skill and diligence and other legal and regulatory expectations as specified by the extant laws
- Discussion of recent selected enforcement cases.

Learning Objectives/Outcomes

- Explain the high-level contextual function of the board and the directors in discharging their mandates;
- Appraise the roles, duties, responsibilities and liabilities of directors as provided for in applicable laws relevant to licensed intermediaries;

Speaker

Lee Shih

1.5 HOURS

PROGRAMME

Board and the Malaysian Code on Corporate Governance

- Discussion on how application of selected principles and recommendations of MCCG can deliver sustainable values for licensed intermediaries.
- Strengthening the composition of the board by having sufficient representation of non-executive directors of right competencies and skills to ensure independent oversight;
- Effective risk oversight through sound and adequate risk management and internal controls systems.
- Independent directors as value enhancers or value destroyers
- Failure of governance and the implication on licence to operate.

Learning Objectives/Outcomes

- Describe on how to apply the relevant key principles and recommendations of the Malaysian Code on Corporate Governance to oversee the compliance and performance roles of licensed intermediaries;
- Explain the critical functions played by independent directors in building confidence and trust for licensed intermediaries; and
- Discuss how judgement can be exercised appropriately in dealing with legal and governance issues brought to the attention of the board.

Speaker

Devanesson Evanson

1 HOUR

SPEAKERS



LEE SHIH

Lee Shih regularly acts in corporate disputes, cross-border disputes and international arbitrations. His work focuses on commercial and corporate litigation, fraud and asset recovery, and insolvency matters. He is the sole Malaysian member of ICC FraudNet, an international network of independent lawyers who are the leading civil asset recovery specialists in each country.

Chambers Asia-Pacific 2019 described him as "very dynamic, charismatic and sharp" and Legal 500 Asia-Pacific 2019 stated that "deeply knowledgeable international arbitration and insolvency specialist Lee Shih 'never fails to deliver high-quality advice in his trade mark disarming fashion'."

He graduated from the University of Bristol, England with a LLB (Hons) degree. He was admitted as a Barrister-at-Law (Gray's Inn) and is an Advocate & Solicitor of the High Court of Malaya.

He is the co-author of 'Companies Act 2016: The New Dynamics of Company Law in Malaysia' and also authored the chapter on Companies & Securities for Bullen & Leake & Jacob's Malaysian Precedents of Pleadings.



DEVANESSON EVANSON

Devanesson Evanson is currently the CEO of the Minority Shareholders Watch Group (MSWG).

He is a qualified Accountant (FCCA) who is also a Chartered Member of the Malaysian Institute of Accountants. He also holds a law degree (LLB Hons) from the University of London. He is a Fellow member of the Institute of Internal Auditors Malaysia (FIAM).

He is an adjunct professor at Universiti Kebangsaan Malaysia. He is also a member of the Industry Advisor Panel (IAP) of International University of Malaysia-Wales (IUMW). Devanesson also sits on the Board of Agensi Kaunseling dan Pengurusan Kredit (AKPK) as an Independent Director and is also the Chairman of the Audit Committee.

He is also a Past-President of the ACCA Advisory Committee, a Past-President of the Institute of Internal Auditors Malaysia and a Past-Council Member of the Malaysia Institute of Accountants.

Devanesson retired from Bursa Malaysia in 2010 after serving Bursa Malaysia for eighteen years. He started his career at Bursa Malaysia as Head of Internal Audit and Risk Management. He was also, at one time, the Chief Regulatory Officer and later, the Chief Market Operations Officer of Bursa Malaysia.

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