

MIA BLENDED LEARNING SERIES

SECTION 17A MACC (AMENDMENT) ACT 2018

Mitigating corruption risks in construction projects

22 June 2022 (Wednesday),
9.00 am – 1.00 pm

Section 17A of the Malaysian Anti-Corruption Commission (Amendment) Act 2018, Corporate Liability provision, is enforced from 1 June 2020. Under the law, Directors, Partners and Management in charge at the time the offence is committed are deemed to have committed the offence. Upon conviction, the penalties may entail a fine of not less than 10 times the value of the gratification or RM1million, whichever is higher, and/or a jail sentence not exceeding 20 years.

Directors and Management must implement “Adequate Procedures”, incorporating the 5 Principles of T.R.U.S.T. promulgated by the Ministerial Guidelines on Adequate Procedures, as a defence to prove the organisation had systems in place to prevent corruption offence.

Construction sector faces high corruption risk in construction projects. The corruption risks will expose the company Directors and Top Management to Corporate Liability in the event that associated persons commit corruption to benefit the organisation. This programme aims to provide participants with a clear understanding on how to mitigate corruption risks in construction projects.

Case studies will be analysed to enable participants to develop and implement Adequate Procedures within different scenarios. Additional discussion will be held on practices to prevent, detect, and respond to corruption in construction project execution.

SECTION 17A MACC (AMENDMENT) ACT 2018

Mitigating corruption risks in construction projects

OBJECTIVES

This programme seeks to help you to:

- Comply with Section 17A MACC (Amendment) Act 2018 and Ministerial Guidelines on Adequate Procedures
- Implement Section 17A Adequate Procedures in the context of construction projects
- Harness and implement the principles of prevention, detection, response of corruption in construction
- Understand the impact on internal and external stakeholders of corruption risks within the construction company

METHODOLOGY

A highly interactive learning session with trainer/speaker-led facilitation, live Q&As, quick polls/surveys, self-assessment quizzes and participant's feedback on learning outcome achievement.

WHO SHOULD ATTEND

- Boards of Directors and C-Suite Executives
- Chief Financial Officers
- Finance Managers and Financial Accountants
- Senior Management
- Compliance/Risk Officers
- Company Secretaries
- Corporate Governance Advocates

SPEAKER/TRAINER

REINUSHINI CHANDRASEGARAM

FCCA, CIA, MBA(UK), CAMCO, ISO 37001 Certified

Reinushini is the CEO & Principal Consultant of RC Compliance Consultancy. She is a Faculty Member of Malaysian Alliance of Corporate Directors and Policy Committee member of Global Network of Director Institutes. She is a thought leader and industry expert in compliance, with over 20 years of experience in business integrity and anti-corruption compliance, corruption risk management, ethics training, internal auditing, corporate whistleblowing & fraud investigations, international sanctions, human rights and 3rd party due diligence, gained in MNC and conglomerates.

She consults with major companies in a broad range of industry sectors to advise, develop and implement Section 17A adequate procedures, anti-corruption compliance and ISO 37001 frameworks and programmes, corruption risk assessment, policies, procedures and training. Reinushini holds an MBA from Leicester University, UK, and is a Chartered Certified Accountant and FCCA, Certified Internal Auditor, and is ISO 37001 certified.

PROGRAMME OUTLINE

8.30 am – 9.00 am	Participants' login to join the webinar
9.00 am – 11.00 am	SESSION 1 <ul style="list-style-type: none"> • Section 17A MACC (Amendment) Act 2018 <ul style="list-style-type: none"> > Corporate Liability Provision under Section 17A <ul style="list-style-type: none"> – Scope/coverage of Section 17A, liability, burden of proof and defence – First corruption case charged under Section 17A • Ministerial Guidelines on Adequate Procedures, Section 17A <ul style="list-style-type: none"> > 5 Principles of T.R.U.S.T <ul style="list-style-type: none"> T: Top level commitment R: Risk assessment U: Undertake control measures S: Systematic review, monitoring and enforcement T: Training and communication • Case Studies: <ul style="list-style-type: none"> Corruption Risks in the Contract Execution Phase <ul style="list-style-type: none"> > Potential risk areas and how to mitigate the risk > Change orders and amendments > Mobilisation at site and harassment > Violations by sub-contractors and clients
11.00 am – 1.00 pm	SESSION 2 <ul style="list-style-type: none"> • Potential Risks to Construction Company: <ul style="list-style-type: none"> Impact on Internal stakeholders <ul style="list-style-type: none"> > Board of Directors and Top Management > Finance, business and investor relations • Potential Risks to Construction Company: <ul style="list-style-type: none"> Impact on External stakeholders <ul style="list-style-type: none"> > Boards of clients and JV partners > Suppliers and contractors > Regulatory and media • Implementing Adequate Procedures <ul style="list-style-type: none"> > Awareness on how to implement 5 Principles of T.R.U.S.T to mitigate corruption risks in construction projects • Q&A Session
1.00 pm	End of Webinar

NOTE: The order of topics to be covered may be revised at the trainer/speaker's discretion.

Section 17A, MACC Act 2009 and the Implementation of T.R.U.S.T

E-LEARNING CONTENT BY

RAYMON RAM | Founder & Managing Principal, Graymatter Forensic Advisory Sdn Bhd

The Corporate Liability Provision or Section 17A, Malaysian Anti-Corruption Commission (Amendment) Act 2018 which took effect on 1 June 2020 provides that “a commercial organisation commits an offence if any person associated with the commercial organisation commits a corrupt act (i.e. gives, agrees to give, promises or offers to any person any gratification) in order to obtain or retain business or advantage for the commercial organisation”.

S17A (3) provides where an offence has been committed by a commercial organisation, a person who is a Director, Controller, Officer or who is concerned in the management of the commercial organisation’s affairs at the time of the commission of offence is deemed to have committed that offence. The burden shifts to the commercial organisation, its Directors, Partners and Management to demonstrate that they have put in place “adequate procedures” to deter persons associated with the commercial organisation from committing corrupt acts of gratification.

The Minister in the Prime Minister’s Department has, in December 2018, issued pertinent Ministerial Guidelines on Adequate Procedures, covering five (5) key principles of T.R.U.S.T, that is to be established as lines of defence for the commercial organisation as well as those charged with governance and management of the organisation.

The penalties, upon conviction under S17A, may entail a fine of not less than (10) times the value of the gratification or RM1 million, whichever is higher; AND/OR a jail sentence not exceeding twenty (20) years. In view of the hefty penalties, it is crucial for Directors, Partners, and Management to have systems in place/adequate procedures to prevent the commission of such offences.

LEARNING OUTCOME

By the end of the course, you will be able to:

- Understand the background, structure, and intent of Section 17A, Malaysian Anti-Corruption Commission Act 2009
- Compare and contrasts between Section 17A MACC Act vs Section 7-9, UK Bribery Act 2010
- Interpret and implement the requirements for ‘adequate procedures’ as per MACC Act 2009 based on the principles of T.R.U.S.T
- Adopt best practices for conducting due diligence and setting up reporting mechanisms within the parameters of legal provisions
- Consider legal impact(s) due to ineffective management of unethical business conduct

E-LEARNING METHODOLOGY

A highly interactive ‘Do it at your comfort’ self-learning programme with assessment, quizzes, reading materials and videos.

TERMS & CONDITIONS FOR E-LEARNING PROGRAMME

E-Learning Access Link & Validity Period

- The Access Link for the e-learning programme will be emailed along with the webinar link at least 24-hours before the commencement of the webinar.
- The Access Link is unique and should not be forwarded/shared with others.
- The Access Link will have a validity period of 120 days upon accessing the link.

Methodology, Certificate of Attendance and CPE Credit Hours

- For e-Learning, participants will be issued an e-certificate only upon completion of entire module & self-assessment quizzes.
- **MIA members are required to update the CPE Hours gained at the MIA Member Service Portal (<https://member.mia.org.my/#/login>).**
- The e-certificate and CPE credit hours will not be awarded if participants fail to provide the completion certificate. Members are not allowed to claim the CPE credit hours for repeated CPE programme.

E-LEARNING PROGRAMME CONTENT

MODULE 1

Overview of Bribery and Corruption

MODULE 2

The Corruption Perceptions Index (CPI) and Global Corruption Barometer (GCB) by Transparency International

MODULE 3

Global Efforts and International Laws Against Corruption

- United Nations Convention Against Corruption (UNCAC)
- The UK Bribery Act and US Foreign Corrupt Practices Act

MODULE 4

Key Legislation on Bribery and Corruption in Malaysia

- Malaysian Anti-Corruption Commission (MACC) Act 2009
- Penal code

MODULE 5

The MACC (Amendment) Act 2018

- Amendments to key definitions
- Inclusion of Section 17A and Section 41A

MODULE 6

Corporate Liability Provision, Section 17A, MACC Act 2009

- Commercial organisation
- Person associated
- Gratification (Section 3, MACC Act)
- Conviction or penalties
- Plausible scenario
- Case examples

MODULE 7

Ministerial Guidelines on Adequate Procedures (T.R.U.S.T)

- T: Top level commitment
- R: Risk assessment
- U: Undertake control measures
- S: Systematic review, monitoring and enforcement
- T: Training and communication



Re-watch, re-listen & re-learn for a fresh viewpoint and understanding



120 days of self-learning access period



Do it in the comfort of your own timing

WHY E-LEARNING?

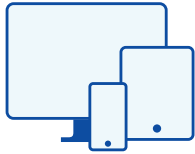
Section 17A MACC (Amendment) Act 2018

Mitigating corruption risks in construction projects

With immediate effect, enrolment for all CPE programmes will be

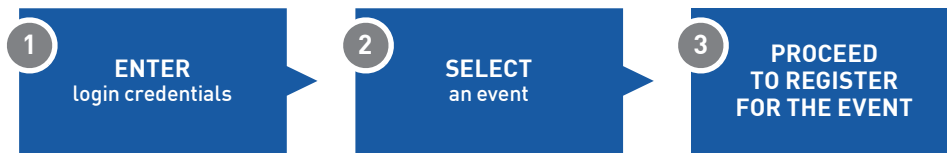
STRICTLY VIA ONLINE REGISTRATION ONLY

REGISTRATION PROCESS



- To view more events and download the full brochure, please visit: **pd.mia.org.my**
- Search and select the event
- Click 'Register' to experience the new system by continuing with the respective steps below:

EXISTING USER



NEW USER



For any assistance, please call (8.45am-5.30pm, Monday-Friday)

MIA Help Desk @ 603-2722 9000

TERMS & CONDITIONS FOR WEBINARS

WEBINAR FEE

- Fee is payable to MALAYSIAN INSTITUTE OF ACCOUNTANTS
- For selected webinars, the fee includes e-materials.
 - Individual Registration:** Full payment shall be made at the point of online registration.
 - Corporate Registration:** Full payment shall be made within thirty (30) days from the date of the Invoice or 1 day before the webinar, whichever earlier.
- Access to join the webinar shall be granted only upon full payment as per the above requirement.

WEBINAR ACCESS LINK

- The Access Link will be emailed at least 24-hours before the commencement of the webinar.
- The Access Link is unique and should not be forwarded/shared with others.

PAYMENT MODE

- Payment must be made through the **electronic channels i.e. online payment via the MIA member service portal and electronic fund transfer (EFT).**
- Payment by **cash and cheque is NOT ACCEPTABLE** effective from 1 January 2022.

CANCELLATION

Should the participant decide to cancel his/her enrolment, a cancellation policy shall be applied as follows:

- For written cancellation received with minimum seven (7) days' notice from the date of the webinar, no penalties will be imposed and full refund will be made to participants who have paid.
- For written cancellation received less than seven (7) days from the date of the webinar, an administrative charge of 20% of the registration fee will be imposed. Unpaid registrations will also be liable for a 20% administrative charge.
- No refunds will be made for written cancellations received on the day of the webinar or for participants who failed to join the webinar. Unpaid registrations will also be liable for full payment of the registration fee.
- Replacing registered participants is not allowed.
- Paid registration that is cancelled can opt to transfer the paid amount to future event(s) after deducting any applicable administrative charges.
- The transfer request to future event(s) should be confirmed by Corporate/Individual within three (3) days after cancellation otherwise the cancellation will be confirmed with refund action. Transfer request will not be entertained after the refund is processed.
- Corporate/Individual is required to top-up the balance amount if the amount to be transferred to the future event is insufficient.
- Any excess amount after transfer will be refunded to the Corporate/Individual's bank account as provided in the EFT form.
- Corporate/Individual is required to provide the EFT form each time when a refund is requested.

PARTICIPANT'S CLASSIFICATION AND INFORMATION

Category: Corporate/Individual

- Please select the participant classification carefully as it determines the fee payable. No alteration will be allowed upon registration.
- The information on Corporate/Individual provided shall be deemed true and correct. No alteration will be allowed upon registration.

METHODOLOGY, CERTIFICATE OF ATTENDANCE AND CPE CREDIT HOURS

- Live Q&As, quick polls/surveys will be carried out throughout the

webinar.

- For selected webinars, pre and/or post course materials will be shared with participants.
- Self-assessment quizzes at the beginning as well as at end of the webinar will be given to enable participants to self-evaluate themselves on their learning performance and level of understanding of the programme content.
- Participants will be issued with an e-certificate of attendance and awarded CPE credit hours upon strict compliance of the following terms:**
 - Remain logged in at least 80% of the time allocated for the webinar.**
 - Submit the post-course evaluation on learning outcome within 3 days after the completion of the webinar (late submission of the post-course evaluation will not be entertained).**
- CPE credit hours will be credited into the MIA Member Services Portal within 14 days of the webinar for participants who have complied with all terms and conditions stipulated herein.
- Listening to pre-recorded webinar and/or reading from past webinar e-material shall not qualify as structured CPE credit hours.

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DATA PROTECTION

Information given by the participants to MIA is true, accurate and to the best of their knowledge. The participants have read and agreed with the Privacy Notice as stated on MIA's official website and therefore, allow MIA to collect, process, store and use the participants' data other than what is provided under the Personal Data Protection Act 2010.

EXCLUSION OF LIABILITY

This webinar shall not constitute an endorsement of the speaker(s) by MIA and MIA shall not be liable for whatsoever circumstances arising from any engagement between the speaker(s) and the webinar's participants.

DISCLAIMER

Malaysian Institute of Accountants (MIA) reserves the right to change the speaker(s), date(s), time(s) and to cancel the webinar should circumstances beyond its control arise. MIA shall not be responsible for any costs, damages or losses incurred by the participant due to the changes and/or cancellation. MIA also reserves the right to make alternative arrangements without prior notice should it be necessary to do so. Upon registering, you are deemed to have read and accepted the terms and conditions herein.

WEBINAR FEES

(Inclusive of e-learning programme)

Member/Member Firm	RM 520
Non-member	RM 650

Preferred Payment: Pay with MIA-CIMB Affinity Credit Card.

WEBINAR DETAILS & REGISTRATION

22 June 2022 (Wednesday)

Session 1 : 9.00 am – 11.00 am

Session 2 : 11.00 am – 1.00 pm

NOTE: The Access Link for the e-learning programme will be emailed along with the webinar link at least 24-hours before the commencement of the webinar.

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