

CORPORATE LIABILITY PROVISION

SECTION 17A OF THE MALAYSIA ANTI-CORRUPTION COMMISSION ACT 2009

DEAR VALUED TM SUPPLIERS AND VENDORS,

Following to the Corporate Liability Provision, Section 17A of the Malaysia Anti-Corruption Commission Act 2009, TM would like to share the understanding of Corporate Liability Provision which will come into force on 1 June 2020. Attached is the information that clearly explains the Corporate Liability Provision and the steps need to be taken by the staff / suppliers and vendors to ensure that corruption is prevented.

We hope this information will be useful to all suppliers and vendors in curbing corruption in the business.

Thank you

Group Procurement Communication
Group Procurement
Telekom Malaysia Berhad

Do you know that any corrupt act committed by Employees/Vendors/Partners can cause TM to be prosecuted and punished?



- New law provisions, Section 17A of Malaysia Anti-Corruption Commission Act 2009 (MACC Act 2009)
- The provision approved by Parliament on 5 April 2018

- CORRUPTION** act by commercial organization :
- Commercial organizations can be prosecuted and punished for criminal offences if **officer/employee/vendor/partner** who is committed in any corrupt act on behalf of the organization

- Offence by commercial organization.....
- If a person associated with commercial organization corruptly **gives, agrees to give, promises or offers to any gratification**
 - For the purpose of : to obtain/retain business or advantage in the conduct of business for the commercial organization

- **FINE** of not less than **ten times** the sum of value of the gratification or **one million ringgit** whichever is the higher, or
- **IMPRISONMENT** not more than 20 years or both

WHEN WILL CORPORATE LIABILITY PROVISION ACT BE ENFORCED ?

1 JUNE 2020



WHAT ARE THE STEPS THAT NEED TO BE TAKEN BY TM?

All officers / employees/ vendors & business partners must understand and have a **crystal clear understanding** about corruption and TM must implement adequate procedures to prevent corrupt practices as stipulated under the Ministerial Guidelines:-

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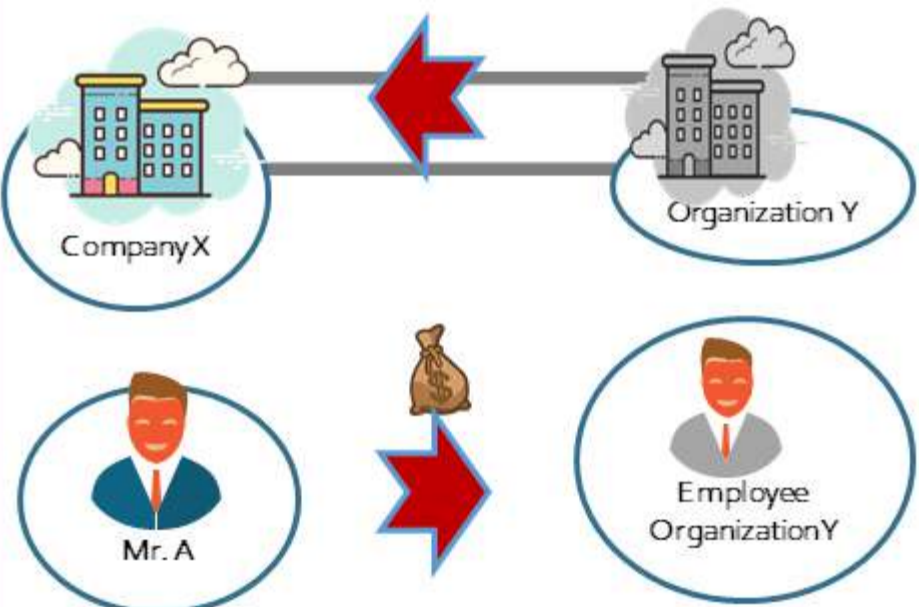
- Top Level Commitment
- Risk Assessment
- Undertake Control Measures
- Systematic Review, Monitoring & Enforcement
- Training & Communication



DESCRIPTION OF OFFENCE UNDER CORPORATE LIABILITY PROVISION

Mr. A is a Sales Manager at Company X responsible for finding projects and profits for his Company. Mr. A is in the process of obtaining a project from Organization Y that has a potential to bring great profit to his Company.

Due to the strong competition from other Companies/Organization, Mr. A has bribed the employee of Organization Y in the form of gift, with the hope of getting the project. A few weeks later, Company X successfully obtained a project from Organization Y.



THE PENALTIES, IF GUILTY...

Mr A and Company X may be liable in accordance with the provisions of the Corporate Liability, Section 17A of the Malaysian Anti-Corruption Commission Act 2009 (MACC Act 2009) and if found guilty:

- **FINE** of not less than **ten times** the sum of value of the gratification or **one million ringgit** whichever is the higher, or
- **IMPRISONMENT** not more than 20 years or both

PERUNTUKAN LIABILITI KORPORAT
SEKSYEN 17A AKTA SURUHANJAYA PENCEGAHAN RASUAH MALAYSIA 2009

RAKAN PEMBEKAL TM YANG DIHORMATI,

Berikutan Peruntukan Liabiliti Korporat, Seksyen 17A Akta Suruhanjaya Pencegahan Rasuah Malaysia 2009, TM dengan ini ingin berkongsi mengenai pemahaman Peruntukan Liabiliti Korporat yang akan berkuatkuasa pada 1 Jun 2020. Dilampirkan informasi yang akan menerangkan dengan lebih jelas berkenaan Peruntukan Liabiliti Korporat dan Langkah-langkah yang perlu diambil oleh pegawai / kakitangan / vendor dan rakan niaga bagi memastikan amalan rasuah dapat dicegah.

Diharapkan informasi ini dapat dimanfaatkan oleh semua rakan pembekal dan vendor dalam mengekang amalan rasuah dalam perniagaan.

Terima kasih

Komunikasi Perolehan Kumpulan
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Adakah anda tahu kesalahan rasuah yang dilakukan oleh Kakitangan/Vendor/Rakan Kongsi boleh menyebabkan TM didakwa dan dihukum?

