



马来西亚中华总商会

GABUNGAN DEWAN PERNIAGAAN DAN PERINDUSTRIAN CHINA MALAYSIA
THE ASSOCIATED CHINESE CHAMBERS OF COMMERCE AND INDUSTRY OF MALAYSIA

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**ACCCIM's Press Statement on the
Insertion of Corporate Liability Provision in the
Malaysian Anti-Corruption Commission (MACC) Act 2009**

Issued by Dato' Lim Kok Cheong, President of ACCCIM

The Associated Chinese Chambers of Commerce and Industry of Malaysia (ACCCIM) welcomes every initiative of the Government to combat the scourge of corruption.

The work of Datuk Paul Low Seng Kuan, Minister in the Prime Minister's Department and the efforts to introduce integrity units and Certified Integrity Officers (CeIO) in every Ministry is to be lauded. The ACCCIM urges every Ministry to adopt and install integrity units and to appoint CeIO that will be mandated and empowered to discharge his/her duties. ACCCIM is of the view that all Ministries should vitalise their process and mechanism to curb corruption which leads to manifold inefficiencies, leakages and may impoverish our nation.

It has been reported that MACC is looking at inserting a Corporate Liability Provision in the MACC Act 2009. According to MACC, at the moment only individuals can be charged for corrupt practices, even if these wrongdoings were committed on behalf of companies. The provision is meant to nudge companies into strengthening their internal processes to combat corruption. By inserting Corporate Liability Provision in the MACC Act, it will help to regulate companies and thus generating more awareness on good corporate governance in Malaysia as **companies can be punished for their employees' corrupt practices.**



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ACCCIM calls for in-depth consultation with private sector organisations and stakeholders in such contemplated legislation. ACCCIM request that **adequate safeguards and legitimate defences with clear mitigating provision that may justly provide avenue for the unwary or unsuspecting officers for possible infractions of such provisions**. Company should not be make liability due to wrongdoings committed by individual worker because of their own personality and work ethic. Even in Europe and UK where such legislation are present debates and controversies abound on the scope and applicability of such sanctions.

Whilst in mature jurisdictions such legislation may take its place in emergent markets like our Malaysian corporations are already faced with plethora of rules and regulations. Costs of compliance will heighten. The Government should fight corruption by way of consultation, education and transparency in executing the law.