

Corporate Legal Counsel Day

LEE HISHAMMUDDIN ALLEN & GLEDHILL takes great pleasure in inviting you to our **Corporate Legal Counsel Day**.

With the recent updates in legislations, many corporate executives are wondering how they would be affected and furthermore are unsure how to move forward. CEOs, MDs and directors are turning to their corporate legal counsel for advice and direction on various questions such as:

Are our client data meeting the requirements of the **Personal Data Protection Act 2010**?
Is it true that the penalty for non-compliance is **RM500,000 or 3 years' imprisonment or both**?
Is it true that company directors, managers & even secretaries can be held liable?
What would we need to do now to ensure compliance?

Would price control be an offence under the **Competition Act 2010**?
Would we need to change our current business strategies and future plans?
Is it true that the penalty is **Ten Million Ringgit or 5 years' imprisonment**?

What constitutes "**Sexual Harassment**" in the workplace – inappropriate touching, threat of dismissal in exchange for sexual favours, a lewd joke, an obscene email, or all of the above?
What are the measures we can put in place to best protect our people?

What is a **Tax Audit** & what would the **IRB** be looking for?
How do we mitigate our tax risk? What are the pitfalls to avoid?

What if your board members were to raise these questions? Do you have a clear answer and definite plan to show that you're ready for the new law?

Come join us at our **Corporate Legal Counsel Day** as we give you the latest updates and explore with you the different implications the new legislations would have on businesses in Malaysia today.

BOOK NOW! ONLY LIMITED SEATS AVAILABLE!

Date: Wednesday, 20 October 2010

Venue: Bankers Club, Tang Room, Level 22, Amoda Building, Jalan Imbi, 55100 Kuala Lumpur

| Time | Programme | Speaker |
|-------------------|-----------------------------------|---------------------|
| 08.30am – 09.00am | Registration | - |
| 09.00am – 09.15am | Welcome Note | Muthanna Abdullah |
| 09.15am – 10.00am | Competition Act 2010 | Choong Kien |
| 10.00am – 10.15am | Coffee Break | - |
| 10.15am – 11.00am | Personal Data Protection Act 2010 | Foong Cheng Leong |
| 11.00am – 11.30am | Corporate Counsel Feedback | KH Koh |
| 11.30am – 12.15pm | Sexual Harassment and the Law | Dato' T Thavalingam |
| 12.15pm – 01.00pm | Tax Audit & Tax Investigations | S. Saravana Kumar |
| 01.00pm – 02.00pm | Lunch | - |

Please reply with booking form to reserve your seat!

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COMPETITION ACT 2010

Every company in business is always seeking to increase market share and profit margin; at least, that's their *raison d'être*. For this purpose, companies may employ strategies such as price control and strategic alliances with other parties, including their competitors. Some companies may engage in such conduct with little awareness or expectation of the legal consequences, so intent are they on achieving their business goals.

It is for this reason that the introduction of competition law in Malaysia is significant, as it will have effects on business practices that many will not anticipate and may consequently create problems for themselves.

The Competition Act 2010 is the country's first piece of legislation on competition of general application and it is imperative, especially for the more enterprising, to have a clear understanding of the implications or effects of competition law as they will now find it necessary to ask questions about their business which they may not have thought to ask before.

Find out what you should do to prepare for the Competition Act, and what you should tell your board of directors.

PERSONAL DATA PROTECTION ACT 2010

The Personal Data Protection Act 2010 epitomises a growing trend in Malaysia of broadbrush legislation which can have draconian effects on the business community.

Heavy sanctions are imposed by the Act, not on misdoings but on failure to comply with "principles" set out in the Act. This puts a burden on each business to examine its own activities and processes to determine whether they are in full compliance with the data principles in the Act.

It would be risky to do anything less, as a general awareness of what can or cannot be done is not sufficient preparation to justify and show actual compliance with the principles — each business must have its own personal data protection compliance plan of action.

Be aware that in other jurisdictions there have been many cases where unwitting behaviour has nevertheless resulted not only in serious breaches of the law, but also damage to reputation. Public displeasure with data abuses has created an atmosphere ripe for some offender under the new law to be found and made an example of.

Find out what positive measures you can take to ensure that your company is nowhere near the danger zones in this new area of law.

SEXUAL HARASSMENT

Sexual harassment in the workplace is a new risk to legal and reputational damage that companies in Malaysia will soon face. Witness the recent AUD37 million sexual harassment suit against Australian department store David Jones and former CEO Mark McInnes, which has come under intense media scrutiny.

The Employment (Amendment) Bill 2010 now before Parliament on the subject will put Malaysia on an equal footing and scenarios such as the David Jones case can just as likely occur in Malaysia as with other countries that have enacted such legislation.

One should not underestimate the risk of the media misconstruing what could be a misunderstanding

between individuals at the workplace and turning it into a major scandal in the public eye — especially if it concerns high-ranking officials — and the potential to damage not only the career of the individual, but also the reputation of the company involved.

By its very nature, accusations of sexual harassment can do damage that cannot be repaired or is impossible or difficult to salvage, regardless of where the truth or justification may lie. It is therefore imperative that companies find ways to pre-empt any untoward incident from arising altogether.

Find out how you can respond to this new legislation and what are some measures you can put in place to best protect your company.

TAX AUDITS AND TAX INVESTIGATIONS

Recently, the Inland Revenue Board (“IRB”) has been actively conducting tax audits and tax investigations. In 2008, the IRB conducted more than a million audits and investigations; and most of it resulted in additional taxes!

We will highlight the tax issues that are on the IRB’s radar and the pitfalls that taxpayers should avoid. A series of recent tax cases will be discussed to illustrate the challenges facing taxpayers if they fail to manage their tax affairs prudently. We will end the session with a discussion on tax appeal procedures.

SPEAKER PROFILE



Dato' Thavalingam Thavarajah

Dato' Thavalingam is a new addition to LHAG, having joined as a partner in its Employment department on 1 September 2010.

Well versed with industrial relations and employment law, he was a member of the Industrial Court Practice Committee of the Bar Council, on which he served for a decade.



Choong Kien

Choong Kien has more than a decade's experience in competition law and practice, at an Australian law firm and with the Australian competition regulatory body. He recently completed a Master's degree in Economics at the Australian National University.



Foong Cheng Leong

A senior associate with LHAG, Foong was called to the Malaysian Bar in 2005. He is also a registered trade marks, patents and industrial designs agent.

Foong serves on the Information Technology Committee of the KL Bar as deputy chairman and is a member of the Bar Council Intellectual Property Committee.



S. Saravana Kumar

Saravana has an LL.M in Taxation from the London School of Economics. He frequently appears in tax courts and advises on tax advisory & planning, tax audit & investigation, transfer pricing, cross-border transaction tax, indirect tax and stamp duty matters. He is one of the authors of Malaysia Singapore Tax Digest, a publication of CCH Asia.