

Module	<b>Anti-Bribery and Corruption</b>
Jurisdictions	<b>Singapore</b>
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## Module Application

Does your organisation conduct business transactions or activities where interactions may create a risk of, or appear to involve, the provision or receipt of benefits not legitimately due to people, other organisations or public officials as an incentive in return for acts or omissions (for example, where there may be political donations or charitable contributions)?

Is the organisation in an industry that is particularly susceptible to bribery and corruption (as rated by the Transparency International's Bribe Payers Index), such as a requirement to interact with Singapore public or foreign government officials?

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## Module Scope

The *ANTI-BRIBERY AND CORRUPTION* module informs the Singaporean organisation of their legislated legal anti-bribery and corruption obligations. The module also demonstrates effective practical advice and assistance to the organisation to implement procedures and processes that will ensure compliance and regulatory accountability throughout all levels of the Singaporean entity.

The *ANTI-BRIBERY AND CORRUPTION* module advises the Singaporean organisation of the processes and procedures they need to implement to ensure compliance with all legal and regulatory obligations. Core legal and regulatory obligations are based on considerations of the broad questions determining;

- › Decision making;
- › Accountability;
- › Stewardship;
- › Direction; and
- › Control

To fulfil its purpose the module focuses on providing practical assistance to the Singaporean organisation establishing and maintaining a robust foundational framework that determines;

- › How the organisation will function;
- › Who is the responsible decision maker;
- › What matters are relevant to the decision-making process; and
- › Whether the desired outcome has been achieved.

As entities, their employees and authorised individuals are all expected to be familiar with the broad landscape of legal obligations to which they are subject as well as more specific obligations relevant to the particular sector they are operating in, the *ANTI-BRIBERY AND CORRUPTION* module should be subscribed by all Singaporean organisations, their employees and authorised individuals. The aim of the module is to equip the subscriber with knowledge of their obligations when operating within Singapore and the circumstances in which these obligations are relevant to the Singaporean organisation. The module also provides the subscriber with the skills they require to establish relevant systems and processes to ensure compliance throughout their organisation.

The broad scope of the *ANTI-BRIBERY AND CORRUPTION* module is to provide answers to these questions;

- › What are our legal obligations?
- › From where are our legal obligations derived?
- › How can we ensure that we are complying with our legal obligations?
- › What are the consequences if we are not complying with our legal obligations?

The *ANTI-BRIBERY AND CORRUPTION* module covers all legislated legal obligations of Singaporean organisations and demonstrates practical assistance and guidance to ensure that these obligations are complied with through the prevention and maintenance of anti-bribery and corruption practices throughout the organisation.

The module fulfils this objective by comprehensively covering three areas;

- › Legislation and guidelines;
  - › Obligations; and
  - › Consequences
1. The legislative and regulatory landscape from which the primary legal obligations are derived;
    - › Prevention of Corruption Act (PCA) (Cap 241, 1993 Rev Ed) (SNG);
    - › Corruption, Drug Trafficking and other Serious Offences (Confiscation of Benefits) Act (Cap. 65A) (SNG);
    - › Political Donations Act (Cap. 236) (SNG);
    - › Companies Act (Cap 50, 2006 Ed) (SNG);
    - › Mutual Assistance in Criminal Matters Act (Cap 190A) (SNG);
    - › Overseas acts and regulations;
    - › Various other National and International standards and directions.
  2. The specific areas where legal and regulatory obligations apply to the Singaporean organisation;
    - › Code of conduct and policies;
    - › Formulate an anti-bribery management system;

- › Formulate an anti-bribery and anti-corruption policy;
  - › Formulate a Code-of Conduct and communicate the code of conduct to all employees and external parties of the organisation;
  - › Gifts, hospitality, donations and other benefits;
  - › Facilitation Payments;
  - › Political and charitable donations, contributions and sponsorship;
  - › Prevent conflicts of interest; and
  - › Due diligence of employees and third party business associates.
  - › Risk identification;
  - › Foreign public officials;
  - › Overseas jurisdiction; and
  - › Public officials.
  - › Prevention and Monitoring;
  - › Implement Financial and Non-Financial Controls;
  - › Whistleblower protection;
  - › Internal Audit and Regular Audit Checks; and
  - › Audit committee to ensure integrity of the financial statements.
  - › Reporting and record-keeping;
  - › Maintain accurate financial and accounting records of the organisation; and
  - › Report suspicious corrupt activities.
  - › Investigation and enforcement;
  - › Provide relevant information to the authority for the purpose of inquiry;
  - › Deferred prosecution agreements; and
  - › Investigate suspected bribery cases.
  - › Duties of directors and management;
  - › Formal requirements of directors; and
  - › Management review of the anti-bribery management system.
3. Prevention of bribery and corruption legislations in Singapore impose a fine and imprisonment upon conviction of a bribery or corruption offence. Significant consequences can apply to organisations, their employees and authorised individuals found to have breached or not complied with anti-bribery and corruption legal obligations. The *ANTI-BRIBERY AND CORRUPTION* module covers specific consequences in detail. They can include monetary penalties, disciplinary measures

and even terms of imprisonment for individuals found to have committed serious criminal offences.

The *ANTI-BRIBERY AND CORRUPTION* module does not cover a particular individual or entity and case laws for those who were found guilty of a bribery or corruption offence.

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