

TERMS OF REFERENCE (TOR)
for
Compliance Sub-Committee

A. INTRODUCTION

ERA was registered with the Registrar of Societies and hence is governed by the SOCIETIES ACT 1966, MALAYSIA, ACT 335.

The Constitution of ERA details how ERA conducts its affairs with proper governance and discipline.

ERA as an association accepts cultural and social diversity and does not discriminate race, gender, religion or any other basis.

The Board ERA 2021/2024 in its first Board Meeting held on July 10, 2021, established 10 Sub-Committees, and the Compliance Sub-Committee was one of them.

This Terms of Reference for the Compliance Sub-Committee was deliberated and approved in the second Board Meeting held on September 11, 2021.

B. ROLE AND SCOPE

Oversight of compliance aspects of processes / procedures, rules and internal policies that have been established within ERA

C. OBJECTIVES

- 1) to upkeep the association image of ERA as a professional NGO
- 2) to prevent unintentional and intentional non-compliance
- 3) to resolve and improve compliance and efficiency

D. RESPONSIBILITIES

a. THE SOCIETIES ACT 1966, MALAYSIA, ACT 335,

Section 2A on "Registered societies to act in fulfilment of the Constitution" states:

2A. (1) It shall be the duty of every registered society in carrying out its activities and in conducting its affairs to ensure that they are in accord with, and conducive to the fulfilment of and adherence to, the provisions of the Federal Constitution and the State Constitutions, and where any of the activities or affairs of any society is in any manner in violation of, or derogatory to, or militates against, or shows disregard for -

(a) the system of democratic government headed by a constitutional sovereign of Malaysia, and, in the States, by the respective constitutional Rulers or Yang di-Pertua Negeri; or ..., the Registrar may cancel the registration of the society ...

b. CLAUSE 14 (a) CODE OF CONDUCT of the Constitution of ERA

(a) All members are expected to promote the interest and good image of the Association at all times.

c. CLAUSE 18 INTERPRETATION of the Constitution of ERA

(a) Any matter not provided for in the Rules and Regulations shall be decided by the Committee whose decision shall be final and binding. Any appeal against the decision of the Committee can be made at any Annual General Meeting or Extraordinary General Meeting whose decision shall be final and binding. No damages can be claimed against the Committee or the Association in the case of an appeal to any Court of Law.

(b) The Committee shall have the power to frame, vary or rescind bye-laws for the smooth and efficient running of the Association provided that these bye-laws do not conflict in any way with the Rules, in which case such bye-laws shall be, ipso facto, null and void.

E. MEMBERSHIP

- 1) Mr Soo Cheong Futt (Lead)
- 2) Mr Wong Lian Kee
- 3) Ms Toh Bee Ling
- 4) Ms Ng Su Fun
- 5) Mr Koh Beng Hock

F. RULES FOR “ERA MEMBERS SHARING” CHAT GROUP

The primary objectives of ERA are to put to good use one’s expertise, experience, skills, and knowledge to contribute beneficially to SMEs. It is also to create opportunities and avenues for members to offer their expertise, services, products and know-how. It acts a forum for members to share knowledge and networking to enhance their skills and knowledge.

The aim of “ERA Members Sharing Chat Group” is to provide a platform for sharing events or activity announcements as well as other useful information that are relevant to the objectives of ERA.

THE RULES DISALLOWING POSTING OR SHARING OF SENSITIVE TOPICS ARE ON:

1. Politics

Politics-related content refers to activities, actions, and policies of governments, politicians, or political parties that are used to gain and hold power in a government or to influence a government. It also refers to a person's opinions or perceptions of government responsiveness and performance, partisan identification, polarization, social fabric disruption or divisiveness, antagonism.

2. Race

Race-related content that is with intent to or likely to generate or incite emotional responses that range from hatred, guilt, shame, anger, fear, despair, to feelings of being offended, insulted, intimidated, humiliated, biasness, prejudiced, inequality, hostility, harassed

3. Religion

Religion-related content that is with intent to or likely to generate or incite emotional responses that range from fear, victimization, harassment, persecution to reduced social cohesion and social connection, or to turning people against each other

4. Advertisement

Advertisement-related postings refer to public announcement that are intended to aid directly or indirectly attracting public notice and attention to the promotion of a product, brand, idea, commodity or service in order to attract interest, engagement and sales

Positive Lists

- a) Members may be allowed to put up educational webinar posts inviting participation when it satisfies the following criteria:
 - i. Contents do not contain any elements of being an advertisement, and on the premise that it is intended honestly to help ERA members to improve their business or to impart knowledge, technology and skill
 - ii. Time allocated for the introduction of the presenter concerned shall not be more than 1 minute
 - iii. The webinar is free of charge
 - b) Members' Personal / Business Profile expertise - a self-introduction of oneself or Business Profile that describes the type of industry, location of business, size of business, expertise, principal products or service, markets
 - c) The following opportunities and avenues have been created for members to offer their expertise, services, products & their know-how, as well as in collaboration efforts with other organizations, both locally and overseas:
 - i. ERA Website (advertisement space available at minimal cost)
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- ii. ERA Newsletter (advertisement space available at prescribed rates)
- iii. Business Opportunity Networking (BON) (Face-to-face engagement)
- iv. Training and Consultancy Assignments (Direct promotion contact with clients)
- v. International Engagement and SME (Exhibition)
- vi. Factory and Institutional Visits (Direct promotion contact with host and guests)
- vii. The ERA Board proposed, at its 2nd Board Meeting on September 11, 2021, to the BON Sub-Committee to create an additional feature specifically for members to conduct business and advertise in its Terms of Reference.

5. Sex

Any portrayal or description of sexual matters that are offensive or disgusting by accepted standards of morality and decency.

6. Morning Greetings / Private Conversations

These postings / sharing in whatever form, which serve no useful purpose or irrelevant to the aims and objectives of ERA other than causing unnecessary cluttering, annoyance and nuisance, are disallowed.

G. ETIQUETTES (CODE OF CONDUCT):

1. **Relevance** - Keep the chat relevant to everyone, bearing in mind the objectives of ERA and of the chat group
2. **Fake and or unverified news** – Fake news is any news, information, data and reports, which is or are wholly or partly false or fictitious, and which by any means, with intent to cause, or which is likely to cause fear or alarm to the public. (See Appendix I and Appendix II)

The onus is entirely on the members to check and verify if the news, information, data and reports received online through social media platforms, instant messaging services, blogs, websites are true or false before sharing. If in doubt, just don't share.

3. **News Exchange or Forward** - "ERA Members Sharing Chat Group" is not an exchange platform or forwarding agent for news that are already and easily available in major media like TV, Radio and press media.

4. **Respect for others** - Have respect for each other, especially on matters regarding culture, language and interests. “Do not do others what you would not have them do to you”
5. Postings of messages that have been duly deliberated and agreed upon by the respective Subcommittees to the ERA Board, to the “ERA Activities & Events” and to the “ERA Members Sharing” chat-groups shall be done by the respective Heads of Subcommittees.

H. ENFORCEMENT PROCEDURE

1. The rules of disallowing postings/sharing of posts on “1. Politics”, 2. Religion, 3. Race, 4. Advertisement, 5. Sex and 6. Morning Greetings / Private Conversations” as described under Item F above, will continue to be enforced with the following procedure:
 - 1) A notice of non-compliance will be posted in the chat group citing that ‘< name of the non-compliant member > is found to have breached the rules of “No Politics, No Religion, No Race, No Advertisement, No Sex, No Morning Greetings / Private Conversation)” in his/her postings/sharing
 - 2) No individual reminder shall be given to the non-compliant member
 - 3) The non-compliant member concerned shall be suspended for three (3) months with a note that he/she has been suspended in breach of the rules concerned
 - 4) The decision to suspend a non-compliant member is a collective decision of the Compliance Sub-Committee
2. In addition, a self-regulatory procedure is also being adopted, whereby members of the “ERA Members Sharing Chat Group” are empowered to enforce the compliance on **Etiquettes** without fear and favour
 - 1) The empowerment allows **ALL** members of the chat group to exercise their self-regulatory roles by lodging complaints, in the chat group, on non-compliance of any of the etiquettes listed or unlisted earlier
 - 2) The Administrator shall assume the role to monitor the complaints shown up in the chat group. When a particular posting or sharing attracts/receives a minimum of three (3) complaints from or is refuted by members of the chart group within three (3) days, the Administrator shall take immediate action to suspend the member who posted or shared the non-compliant posting/sharing for a period of three (3) months.
 - 3) However, no individual reminder shall be given before an action is taken by the Administrator

LAWS OF MALAYSIA

REPRINT

Act 574 PENAL CODE

Incorporating all amendments up to 1 January 200

Statements conducing to public mischief

505. Whoever makes, publishes or circulates any statement, rumour or report—

- a) with intent to cause, or which is likely to cause, any officer, soldier, sailor or airman in the Malaysian Armed Forces or any person to whom section 140B refers, to mutiny or otherwise disregard or fail in his duty as such;
- b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or
- c) with intent to incite or which is likely to incite any class or community of persons to commit any offence against any other class or community of persons,

shall be punished with imprisonment which may extend to two years or with fine or with both.

Exception—It does not amount to an offence within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it without an

LAWS OF MALAYSIA

ACT 588

COMMUNICATIONS AND MULTIMEDIA ACT 1998

Incorporating latest amendment - Act A1220/2004

233. Improper use of network facilities or network service, etc.

(1) A person who —

(a) by means of any network facilities or network service or applications service knowingly —

(i) makes, creates or solicits; and

(ii) initiates the transmission of,

any comment, request, suggestion or other communication which is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person; or

(b) initiates a communication using any applications service, whether continuously, repeatedly or otherwise, during which communication may or may not ensue, with or without disclosing his identity and with intent to annoy, abuse, threaten or harass any person at any number or electronic address,

commits an offence.

(2) A person who knowingly —

(a) by means of a network service or applications service provides any obscene communication for commercial purposes to any person; or

(b) permits a network service or applications service under the person 's control to be used for an activity described in paragraph (a),

commits an offence.

(3) A person who commits an offence under this section shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding one year or to both and shall also be liable to a further fine of one thousand ringgit for every day during which the offence is continued after conviction

241. Offence for giving false and misleading statement.

A person who —

(a) subject to the provisions of subsection 256(2), refuses to give to an authorised officer any information relating to an offence under this Act or its subsidiary legislation;
or

(b) knowingly gives false information,

commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding six months or to both