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ACA-Act

MORE CLOUT FOR ACA IN FIGHT AGAINST CORRUPTION

By: Kuzaimah Idris

KUALA LUMPUR, Jan 7 (Bernama) -- "Buka Pintu...kami BPR" (Open up...ACA).

Do not be surprised on hearing a knock on your front door and standing outside are Anti-Corruption Agency (ACA) officers, armed with authority card and written order to search your house.

The power to search a suspect's house is provided in the Anti-Corruption Act 1997 to be launched by Prime Minister Datuk Seri Dr Mahathir Mohamad tomorrow. ACA officers will also for the first time have the power to arrest a suspect.

The new Act provides greater clout to the ACA, including tapping telephone conversation and getting copies of a suspect's bank accounts.

"With the Act, the ACA will collect evidence by going through a suspect's bank accounts and tapping his telephone conversation... these are all intelligence work," ACA Director-General Datuk Shafee Yahya told Bernama.

Tapping the suspect's telephone, a new provision of the Act, could prove effective in the gathering of evidence against the suspect.

The Act also provides greater penalties as a deterrent to would be offenders.

"The amount is very high...if you accept RM5, get caught and are found guilty, the minimum fine you will get is RM10,000 and at least 14 days in jail," he said.

The ACA also has the power to review and rectify work procedures in government departments where there are reported cases of corruption and malpractices.

Under such circumstances, he said the ACA would come in and help departments concerned to formulate regulations to deter corruption.

With the amendments made in the new Act, all grey areas have been covered and this means that the ACA has better chance of nabbing the culprit as the evidence tendered will be more solid, complete and unquestionable.

The Act will be enforced from tomorrow after Minister in the Prime Minister's Department Datuk Abang Abu Bakar Mustapha signs it together with its launching.

The Anti-Corruption Act 1997 is a combination of Anti-Corruption Act 1961, Anti-Corruption Agency Act 1982 and Emergency Ordinance (Essential Powers) No 22, 1970.

According to the ACA special briefing papers, the power to conduct search and arrest was only given to the police but now ACA officers are also equipped with the power to enable investigation to be carried out more effectively.

The Act also contains provisions for new offences, additional power to public prosecutor and ACA, changes in terms of the principles of the law and law of evidence.

The new provisions includes giving power to the ACA to detain a person who fails to turn up as ordered at the ACA headquarters for questioning.

It is now compulsory for a person to provide information even though it could prove to be discriminatory against himself or his spouse. Under the old Act, a wife or a husband cannot give evidence against one another.

Heavier penalties are also provided under the Act including not less

than 14 days' jail and not more than 20 years' jail with fines not less than five times the amount received or RM10,000 whichever is higher.

The Anti-Corruption Act 1961 only provides a maximum of five years' jail and fine RM10,000 for similar offences.

For failing to report an attempted bribe, a public officer could be fined not more than RM100,000 and jail not more than 10 years under the new Act.

Previously such offence only provided fine of not more than RM500 or jail not more than six months or both. --BERNAMA

ZAI ABG