



## THE STAKEHOLDERS' AWARENESS AND PERCEPTION OF MALAYSIAN COMPETITION ACT 2010 AND THE ROLE PLAYED BY THE MALAYSIAN COMPETITION COMMISSION

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### Abstract

*The Malaysian Competition Commission (MyCC) was mandated in 2010 to provide and engaged with stakeholders across all levels in promoting the Competition Act 2010 (CA 2010). This study aroused from the need to conduct a comparative study to its earlier 2013 Baseline Study in ascertaining MyCC's effectiveness in carrying out its role in advocacy work. Therefore, the study's main objective is to examine whether the level of awareness and perception of CA 2010 has increased over time. Other issues examined were (i) quality of advocacy and outreach of MyCC, (ii) the level of awareness and knowledge of the various stakeholders of the CA 2010 and of the role of MyCC and (iii) the perception of stakeholders on the effectiveness (quality) of enforcement of MyCC. 463 respondents participated through e-survey. 48 participated in four FGDs that took place nationwide. Results indicated overall level of knowledge on the existence of MyCC and CA 2010 is very high among SMEs compared to 2013 Baseline Study. SMEs are also the highest stakeholder group in acknowledging on the quality of MyCC's advocacy and outreach programs. Practitioners (lawyers and economists) show the highest awareness level of CA 2010. Consumers/Trade Associations show the highest awareness level of MyCC's role. SMEs, the highest stakeholder group in acknowledging the effectiveness (quality) of MyCC's enforcement. Practitioners (law & economists)*

*acknowledged that Malaysia businesses are run by only a few large players with not enough competition. The business entities (MNCs, SMEs and GLCs) indicate having good and positive practices, attitude and culture of Compliance with the CA 2010. In summary, it shows that the effectiveness of MyCC role in promoting*

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*the CA 2010 to the Malaysians.*

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## INTRODUCTION

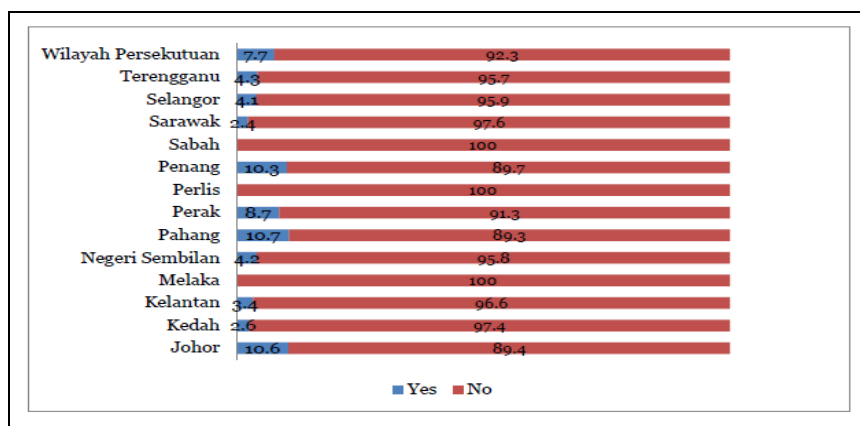
The Malaysian Competition Act 2010 (CA 2010) gazetted in June 2010 and enforced in January 2012 is being administered by the Malaysian Competition Commission (MyCC). MYCC, established under the Competition Commission Act 2010 had been given the mandate to ensure this Act is well received by the industry players and Malaysian business communities overall. Since then, MYCC continuously plays its role in providing and engaging stakeholders across all levels with its advocacy and outreach activities. In 2013, MyCC conducted its first Baseline Study to gauge stakeholders' awareness and perception of the Act and in 2017, this comparative study was conducted to find out if the level of awareness and perception had increased among stakeholders.

The next section will discuss the background that leads to the concern for

this comparative study, hypotheses development, methodology of data collection, findings and conclusions.

## BACKGROUND

MyCC had conducted its first Baseline Study 2013 within a short period of one and half years after the Act came into enforcement. Between 2011 and 2013, MyCC had conducted a total of 97 advocacy programs. However, the Baseline Study 2013, which focuses only on SMES, findings indicated a low level of awareness and knowledge of the Competition Act 2010 among the 14 states in Malaysia especially Perlis and Melaka having zero awareness and knowledge level about CA 2010. These findings are depicted in Figure 1 and Figure 2.



*Figure 1. Awareness of CA 2010 by State*  
(Source: RKA Consulting Group, 2013)

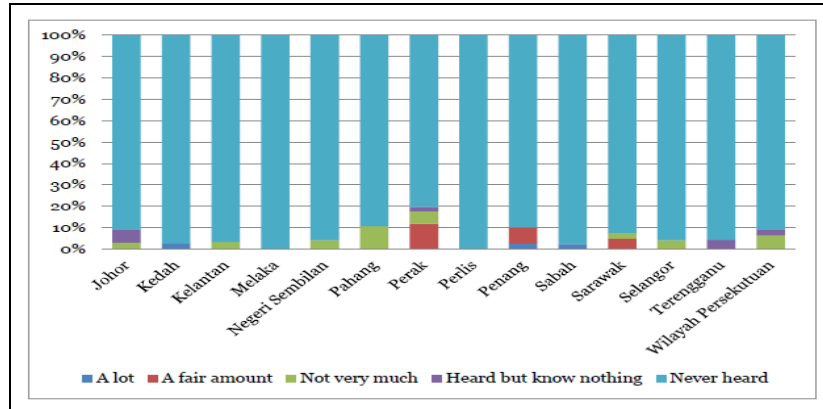


Figure 2. Knowledge about CA 2010 by State  
(Source: RKA Consulting Group, 2013)

The Baseline Study 2013 acts as a crucial indicator of MyCC’s role and its effectiveness in carrying out its advocacy and outreach programs. Post Baseline Study 2013, MyCC stepped up and continued its advocacy programs as reflected in Table 1. In totality, MyCC had continuously conducted 201 advocacy programs nationwide between

2011 and 2016. Therefore, it was timely for MyCC to undertake another study to measure if the level of awareness (knowledge) had increased or otherwise. In addition, the new study had included stakeholder’s perception on the quality of advocacy and outreach programs and the role of MYCC and its enforcement effectiveness (quality).

Table 1. Number of MyCC advocacy programmes

Year	Number of Advocacy Programmes	Accumulated
2011	30	30
2012	37	67
2013	30	97
2014	31	128
2015	48	176
2016	25	201

(Source: Suruhanjaya Persaingan Malaysia, 2015)

Thus, this study’s three main objectives are as follows:

1. To compare the awareness level of various stakeholders with the 2013 Baseline study.
2. To determine the quality of advocacy and outreach of the MyCC.
3. To determine the level of awareness and knowledge of the various stakeholders of the Competition Act 2010.
4. To determine the level of awareness and knowledge of the various stakeholders of the role of Malaysian Competition Commission (MyCC).
5. To determine the perception of stakeholders on the effectiveness (quality) of enforcement of MyCC.

6. To determine the stakeholders' preferable sources of information on Competition Act 2010 and preferable social media sites.

The stakeholders in this study are business community (MNCs, SMEs and Government-linked companies), government agencies, competition practitioners (lawyers and economics), consumers (students) and consumer/trade associations. SMEs are included in the present study to enable comparison to be made with the 2013 Baseline Study which focuses only on SME and because of the fact that SMEs are the backbone of Malaysian's economy as they represent 97% of business establishments and contribute towards 36% of nation's GDP, 65% of the nation's employment and 18% of nation's export (The World Bank, 2016). As for the inclusion of the other stakeholders, they are included to gain a holistic view of the current situation on the ground in terms of competition and the overall awareness of CA 2010 and MyCC.

Various studies in many field of research have shown that education and training are important elements in raising awareness and knowledge (Seay, Carswell, Wilmarth & Zimmerman, 2014; Yap & Ineson, 2010; Hawkins, Madsen & Ulhoi, 2001). In the area of competition advocacy and outreach programs, the credibility and convincing power of competition authorities educating and training the general public is generally recognized to raise the level of awareness (knowledge) and perception about the Competition legislatures and this includes the Competition Act 2010.

Competition authorities, The UK Office of Fair Trading (OFT) for example, in its 2011 study defines that 'knowledge' is inclusive of the general knowledge about OFT's 'role' including its guidance, tools and specific interventions/investigations and the detailed knowledge about competition law (i.e anticompetitive behaviour types). Likewise, it is hoped that MyCC's advocacy and outreach activities in educating and training the general public raises the level of awareness about its own role in administrating the Competition Act 2010.

OFT (2010) studied the perceived benefits of enforcement of competition law among contractors. The study indicated that almost 80% contractors perceived enforcement activities helps deter bad business practices. In the same study, more than 80% contractors perceived that bid rigging (including cover pricing) as a serious anti-competitive conduct attracting serious penalties.

According to OECD (in Hoj, 2007), the state of competition affects innovations at the market place. The state of competition is evidenced by market concentration based on market share as well as by the antitrust framework and the policies of deregulated industries. The antitrust framework encompasses competition policies and its scope, enforced by competition authority of a nation. Hoj (2007) found that OECD countries' general competition policy framework has been improving with further improvement needed in promoting competition within the industries.

The Australian Competition and Consumer Commission (ACCC, 2009) in its preliminary study tried to measure the level of compliance by calling 999 businesses to self - estimate the level of actual compliance and culture of compliance (Nielsen & Parker, 2005). Generally, consumers actively looking for better options and producers actively producing more and cheaper options for the consumer market are characteristic of a strong competition culture. Also, how these market players perceive the competition rules – i.e. what is allowed and what is not – reinforces competition culture. Hence, the educating and training efforts of competition authorities become crucial in making these rules known and understood by the mass.

**MATERIALS AND METHODS**

This study primarily used e-survey questionnaire and focus group discussion (FGD). The e-survey questionnaire was uploaded on MyCC website accompanied with a cover letter stating the goals of the survey and the requirement to only answer once to avoid redundancy of participation in this study.

Combination of several efforts were undertaken to reach the respondents such as sending emails with the e-survey link to stakeholders groups, emailing individuals heading the stakeholder groups with the e-survey link and individually approaching FGDs participants for their participation and assistance in sharing the link with their employees and/or their association members. In addition, MyCC assisted in emailing the e-survey to the stakeholders

with whom they have dealt with as well as collecting data from their seminar participants using printed questionnaires. Simultaneously, this study had employed independent enumerators to collect data from the field using printed questionnaires.

**RESULTS AND DISCUSSIONS**

Upon completion of the data collection phase, a total of 509 e-survey questionnaire responses were received but only 463 responses were usable as depicted in Table 2. The 46 responses were rejected due to majority of the questions were left unanswered by the respondents.

Table 2. Usable Respondents by Stakeholder Groups.

Group of Respondents	No of Respondents
Government Link Company (GLCs)	27
Multinational Corporations (MNCs)	44
Small and Medium Enterprises (SMEs)	154
Government Agencies	144
Practitioners (Lawyers & Economists)	31
Consumers (Students)	57
Consumers / Trade Associations	6
Total	463

The FGDs were conducted at four locations representing each region on the respective dates as shown in Table 3. A total of 48 participants exceeds the 20% expected response rate by 20 participants representing various stakeholders attended the FGDs.

Table 3. *Actual number of FGD participants*

Respondents	KL Central Region (26/07/2016)	Penang Northern Region (15/08/2016)	Pahang East Coast Region (16/08/2016)	Sabah East Malaysia (22/08/2016)	Total
Government Link Company (GLCs)	0	0	2	0	2
Multinational corporations (MNCs)	0	1	0	0	1
Small and Medium Enterprises (SMEs)	0	1	8	2	11
Government Agencies	5	3	5	8	21
Practitioners (Lawyers & Economists)	1	0	0	0	1
Consumers (Students)	0	0	0	0	0
Consumers/Trade Associations	3	4	1	4	12
<b>Total</b>	<b>9</b>	<b>9</b>	<b>16</b>	<b>14</b>	<b>48</b>

This study utilized both the quantitative data analysis of the e-survey and qualitative data analysis based on findings from the focus groups. The quantitative analysis also includes the hypotheses testing. Both descriptive statistics and inferential statistics were applied.

#### Comparison between 2013 Baseline Study and Current Study

The respondents profile for 2013 Baseline Study and current study is presented below followed by the quantitative comparison findings between these two studies on the awareness of various stakeholders shown in Table 4.

Table 4. *Quantitative Findings between 2013 Baseline Study and Current Study on Research Objective 1*

<b>Research Objective 1</b>	
<b>To compare the awareness level of various stakeholders with the 2013 Baseline Study</b>	
<p>With the current study, the overall level of knowledge on the existence of MyCC and CA 2010 is very high (67.5% of respondents aware of MyCC &amp; 56.6% aware of CA 2010) vs. Baseline Study 2013 reported a very low level of awareness (8.9% of respondents aware of MyCC &amp; 6.6% aware of CA 2010 with respondents from Melaka and Perlis having zero level of awareness.</p> <p>With the current study, all responding businesses in every state are aware of the existence of MyCC with Negeri Sembilan and Perlis shows 100% awareness level and the least in Terengganu vs. all states across Malaysia except Perak indicated low knowledge level of CA 2010 (below 10%) reported by Baseline Study 2013.</p> <p>With current study, 100% of responding for micro, small and medium sizes businesses in the Agriculture and Mining sector are highly aware of MyCC's existence as compared to Manufacturing and Services vs. Baseline Study 2013</p>	

**Quantitative  
Analysis**

reported 85.3% and 86.7% of responding for medium and large size businesses in the Service sector were aware of MYCC's existence with 96.9% and 93.2% of micro and small size businesses were not aware of MyCC.

With the current study as well as with Baseline Study, the level of awareness does not differ significantly between domestic-driven and export-oriented businesses.

With the current study, most respondents are of the opinion that their companies "probably" are involved in both anti-competitive agreements (State: 70.1%, Sector: 64.9%) and in abuse of dominant position (State: 77.2%, Sector: 72.1%) vs. Baseline Study 2013 reported that businesses' involvement in anti-competitive activities (State: 31.7%, Sector: 28.2%) and dominant power abuse (State: 35%, Sector: 30.4%).

With the current study as well as Baseline Study 2013 majority of respondents never came across anti-competitive agreement or do not have any experience engaging in anti-competitive agreement or abuse of dominant power vs. Baseline Study 2013 reported 80.4% of respondents in regards to price fixing and bid rigging and 79.6% in regards to abuse of dominant power.

With the current study, 64.3% of businesses do not know what the consequences of non-compliances vs. 32.1% reported by Baseline Study 2013.

With the current study as well as Baseline Study 2013, the most preferred source of information about the Competition Act is the internet.

With the current study, states, market structures, sectors, ownership, and position were found to be significantly associated with awareness and knowledge of MyCC. Baseline Study 2013 reported that states, market structures, sectors, ownership were found to be significantly associated with awareness and knowledge of MyCC.

With the current study as well as Baseline Study 2013, the awareness level of CA 2010 is associated significantly with states, market structures, sectors, ownership, and position.

With the current study as well as Baseline Study 2013, there is a significant relationship between awareness of MyCC and knowledge of illegal practices.

**Respondents Profile**

The Baseline Study 2013 had 600 randomly selected respondents of small and medium enterprises (SMEs) from services (75%), manufacturing (14%), building and construction (7%), agriculture (3%) and mining and quarry (1%) industries as illustrated in Figure 4. In addition, focus group discussions (FGDs) were held in five locations specifically in Kuala Lumpur (central region), Penang (northern region), Kota

Kinabalu (East Malaysia), Kuching (East Malaysia) and Kuala Terengganu (East coast region) with participants from various government agencies, NGOs, trade associations and interest groups.

As illustrated in Figure 4, the current study had a total of 154 respondents of SMEs consisting of 94 services (61%), 44 manufacturing (29%), 7 construction (4%), 6 agriculture (4%) and 3 mining (2%) companies. FGDs were held at four locations which were Kuala Lumpur

(central region), Penang (northern region), Pahang (East coast region) and Kota Kinabalu (East Malaysia).

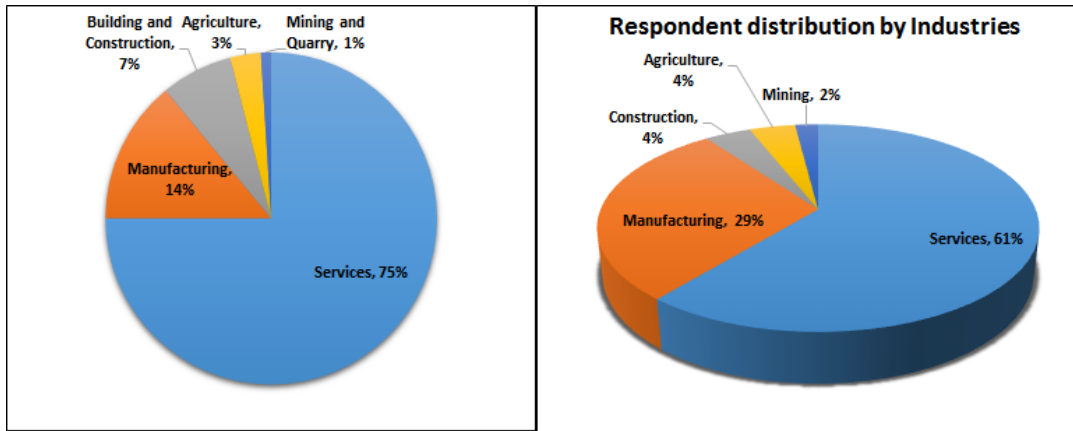


Figure 4. Baseline Study 2013 vs Current Study: Respondent distribution by Industries

**To determine the quality of advocacy and outreach of MyCC**

research objective on quality of advocacy and outreach of MyCC.

Table 5 shows the quantitative and qualitative analyses to answer the

Table 5. *Combination of Quantitative and Qualitative Analysis on the quality of advocacy and outreach of MyCC*

To determine the quality of advocacy and outreach of MyCC	
<b>Quantitative Analysis</b>	SMEs, the highest stakeholder group in acknowledging on the quality of advocacy and outreach programs of MyCC. Practitioners (Lawyers & Economists), the least among the stakeholder groups acknowledging on the quality of advocacy and outreach programs of MyCC.
<b>Qualitative Analysis</b>	Received positive responses from FGDs participants, for example: <i>‘They have done a good job. I attended quite a number of their seminars, dialogues sessions and all these’.</i>  Additional improvement suggestions received, for example: <i>‘...they have these programs for professional bodies, associations. The ones that is lacking is for the new generations... These generations are IT savvy and we are still talking about seminars, all those things, talks, but for the new generation, they are not interested’.</i> <i>‘Maybe MyCC can come up with the basic Do’s and Don’ts, but making it industry specific. For example, so, if they are traders, what they cannot do, on pricing, for examples, don’t do sorting price with your suppliers. But you know, just the basic one because every business is different..., maybe have a boiler plate, sort of Do’s and Don’ts’.</i> <i>‘I think road shows can but you don’t just touch on the theory, but you give cases.. real cases give participants better understanding and better impact. MyCC’s real cases, that would be much better.... Show why should it matters to them [public]. Because usually people only want to take note when it matters to them or has something to do with them’.</i>



**To determine the level of awareness and knowledge of the various stakeholders of the Competition Act 2010** awareness and knowledge of the various stakeholders of the Competition Act 2010.

Table 6 shows the quantitative and qualitative analyses to answer the research objective on the level of

Table 6. *Combination of Quantitative and Qualitative Analysis on awareness and knowledge level of CA 2010*

<b>To determine the level of awareness and knowledge of the various stakeholders of the CA 2010</b>	
<b>Quantitative Analysis</b>	<p><b><u>Awareness</u></b></p> <p>Practitioners (lawyers and economists) show the highest awareness level of CA 2010 followed by Consumers/Trade Associations.</p> <p>GLCs show the lowest awareness level of CA 2010.</p> <hr/> <p><b><u>Knowledge</u></b></p> <p>Only business organizations indicate having a lot of knowledge about CA 2010, specifically GLCs followed by SMEs and MNCs.</p> <p>Practitioners (lawyers and economists) indicate having a fair amount of knowledge about CA 2010 followed by students group and the rest of stakeholders.</p> <p>Consumers/Trade Associations, the highest among the stakeholder groups, indicates have heard but knew nothing about CA 2010.</p> <p>Overall, almost half of the respondents are able to correctly identify illegal practices under CA 2010 especially on bid rigging and price discrimination.</p> <p>Overall, almost half of the respondents are able to correctly answer the scenario based questions on the knowledge of CA 2010.</p> <p>Majority of the respondents are able to answer correctly the scenario based questions on the possible collusion but not on the infringement of CA 2010 provision.</p> <p>GLCs score the highest among the stakeholder groups in answering correctly the scenario based questions followed by Practitioners (lawyers and economists) and the rest of the stakeholder groups.</p> <p>SMEs are the least that could answer the scenario based questions correctly.</p>
<b>Qualitative Analysis</b>	<p>Similar to the quantitative analysis results, FGDs participants had indicated that law practitioners having the highest level of awareness regarding CA 2010 across all locations.</p> <p>The least awareness about CA 2010 was among consumers according to these participants.</p>

**To determine the level of awareness and knowledge of the various stakeholders of the role of Malaysian Competition (MyCC)** Table 7 shows the quantitative and qualitative analyses to answer the research objective on the level of awareness and knowledge of the various

stakeholders of the role of Malaysian Competition (MyCC).

Table 7. *Combination of Quantitative and Qualitative Analysis on awareness and knowledge level of MyCC*

<b>To determine the level of awareness of the various stakeholders of the role of MyCC</b>	
<b>Quantitative Analysis</b>	<p><b><u>Awareness</u></b> Consumers/Trade Associations show the highest awareness level of MyCC followed by Practitioners (lawyers and economists) and SMEs.</p> <p>GLCs show the lowest awareness level of CA 2010.</p> <hr/> <p><b><u>Knowledge</u></b> None of the stakeholder groups indicate having a lot of knowledge about MyCC. Students group indicates having a fair amount of knowledge about MyCC followed by Government Agencies and the rest of stakeholders. MNCs, the highest among the stakeholder groups, indicate have heard but knew nothing about CA 2010. More than half of the respondents who have heard of MyCC are able to correctly identify MyCC's areas of responsibilities. Among the stakeholders, Practitioners (lawyers and economists) is the highest group able to identify MyCC's areas of responsibilities correctly. Among the stakeholders, SMEs is the highest group unable to identify MyCC's areas of responsibilities correctly.</p>
<b>Qualitative Analysis</b>	<p>Similar to the quantitative analysis result, FGDs participants indicated the highest level of awareness of MyCC's role was among the law practitioners. Consumer groups again were said to be having the lowest level of awareness on MyCC's role. FGD participants had indicated having a better awareness level of CA 2010 than MyCC and its role.</p>

**To determine the perception of stakeholders on the effectiveness(quality) of enforcement of MyCC** research objective on perception of stakeholders on the effectiveness (quality) of enforcement of MyCC.

Table 8 shows the quantitative and qualitative analyses to answer the

Table 8. *Combination of Quantitative and Qualitative Analysis on the perception of stakeholders on effectiveness (quality) of MyCC's enforcement*

<b>To determine the perception of stakeholders on the effectiveness (quality) of enforcement of MyCC</b>	
<b>Quantitative Analysis</b>	<p>SMEs, the highest stakeholder group in acknowledging on the effectiveness (quality) of MyCC's enforcement.</p> <p>Practitioners (lawyers and economists), least among the stakeholder groups acknowledging on the effectiveness (quality) of MyCC's enforcement.</p>
<b>Qualitative Analysis</b>	<p>FGDs participants responses reflects the importance given on MyCC's enforcement activities, for example:</p> <p><i>MyCC is currently is going for low-hanging fruits i.e. barber shops, flower</i></p>

*sellers rather than making an impact on the society. Focus on specific and small market, so, we don't see the real impact'.*

*'I think enforcement is the way to create awareness. Because, I think enforcement shouldn't start from, let's say, your mom and pop shops rather big businesses because they already know what Competition Act is'.*

*'I would like to add that maybe from this Act, can give more fair opportunities to people. For example, now, I know there are some exemptions but there are also certain areas that we have monopolies, for example, doing some tenders, certain group of people always draw the tenders'.*

*'The pie is so big that everybody can share. It's just like all the professional bodies, there are so many lawyers around, so many doctors around but the pie is big enough for everybody. Maybe have to be studied further to remove the exclusions. I think if not, it's just like until when MyCC won't get to execute its role'.*

**To determine the stakeholders' preferable sources of information on Competition Act 2010 and preferable social media sites.**

Table 9 shows the quantitative and qualitative analyses to answer the research objective on the stakeholders'

Table 9. *Combination of Quantitative and Qualitative Analysis on stakeholders' preferable sources of information on CA 2010 and preferable social media sites.*

<b>To determine the stakeholders' preferable sources of information on CA 2010 and preferable social media sites.</b>	
<b>Quantitative Analysis</b>	Internet, the most preferable sources of information on CA 2010 by respondents. Followed by MyCC website/Face book/twitter/YouTube.
<b>Qualitative Analysis</b>	FGDs participants responses on preferable sources of information, for example: <i>'For me, the easiest to make people to know about MyCC is through advertisement. Can start with radio. For example, everybody knew about AKPK because of the ... Advertisement about strata title. Because the advertisement is interesting'.</i>  <i>'...should go to ASTRO channel because if you look for a good comparison, you can see in Singapore. How they have educated the general public on competition network, it's very good. Because I've seen some of the advertisement....the introduction is very good, very friendly, very simplified, with colourful pictures...'</i>  <i>'The wrong channels! I think if in Sabah, here in KK, urban viewers, they will not watch tv1 or tv2; it's for those viewers from rural areas'. Also, during 5pm news, we are still at work. Usually after 10pm, viewers here change to tv3. Also, there is one channel, early morning, just for Sabah'.</i>

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**Qualitative Analysis**

FGDs participants responses on preferable social media sites, for example:

*'I think we should introduce MyCC to Gen Y by using media social, I think everyday update actively in facebook any stories, even stories from other countries can be included, also the cases'.*

*'...blasting on twitter, on facebook. So, if people are interested they will go in further, if not, at least they are aware'.*

*'Youtube is free, right? Like in Thailand, even the government advertises in Youtube and share, millions of people watch it and goes viral'.*

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## CONCLUSIONS

This study disclosed the overall improvement in the quality of MyCC's advocacy and outreach program in the context of awareness and perceptions to CA 2010 when compared to the 2013 Baseline Study. Therefore, MyCC is recommended to stay on its course in providing quality training and education continuously to stakeholders and simultaneously optimize the available social media sites and multiple languages in its activities. In relation to enforcement activities, this study encourages MyCC's advocacy and outreach program to include industry specific do's and don'ts of what can do and cannot do at the marketplace. Setting up helpdesk facilities in assisting those stakeholders having uncertainties when faced with various Acts and Laws of our legal system would enhance MyCC's role within the community.

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