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Roundtable on:

**Communication strategies of Competition
authorities as a tool for agency effectiveness**

Contribution

by

Malaysia

The views expressed are those of the author and do not necessarily reflect the views
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Introduction

The Malaysian Competition Commission or MyCC has been in existence since 2011. The Commission members and a minimal number of staff were appointed to begin operations. We started off by establishing several Working Committees to facilitate performance of the Commission's function, among them were the Working Committee on Advocacy (WCA) and the Working Committee on Publicity and Communications (WCPC). These two Committees worked independently of each other, establishing their own terms of reference and work programmes. Several notable achievements by them during the last few years are worth mentioning.

The WCPC spent the initial few years branding the Commission, creating awareness of the law and the Commission, assisting publication of several guidelines and booklets and creating a presence in the various forms of print and electronic media.

The WCA on the other hand formulated a Strategy Plan for Competition Advocacy 2011 -2014, where it set out the rationale and framework for the MyCC's work programme. This was basically to assist the Commission carry out its advocacy plans in the first phase of the implementation of the Competition Act 2010 (CA 2010).

Thus far, the Commission has released 4 guidelines, ie on complaint procedures, market definition, anti-competitive agreements, abuse of dominant position and compliance guidelines while other publications include a handbook for General Public, A Guide for Business, FAQs for SMEs, and a booklet for procurement officers entitled "Help Us Detect Bid-rigging". For the media, the MyCC developed video clips on bid-rigging and price fixing where these have been successfully shown on TVs and also during the advocacy road shows held. Jingles on radio were also developed and these proved to be an effective way of getting ourselves known.

We are into our fourth year of existence, and a review of our achievements and its impact was done to assess if both the WCA and the WCPC had indeed met their targets. A baseline awareness survey was done to gauge the extent of awareness among the public and

businesses and it revealed that only an average of 6-7% of the respondents were actually aware of MyCC and the CA 2010. This then brought home the realisation that having two such committees, each with their own definition and goals of communication and advocacy had in fact indirectly brought about this consequence. Therefore a decision was made to merge the two committees into one to enable the advocacy strategies and efforts to be communicated in a more effective and meaningful manner. The usual means of communicating to the public are being reassessed and to some extent evaluated to see if the MyCC should in fact continue to use these same tools.

Moving forward

As a new emerging agency, the MyCC was given a satisfactory amount of funds to begin our operations and so we were able to use the various usual means of communicating to the public at large. With a tighter national budget and inadvertently a smaller budget for MyCC, media choice has become more objective. The usual traditional means of communications are being reviewed and new ways of reaching out to our stakeholders are currently being identified.

One such strategy identified is to reach our stakeholders through an association's in house magazine, newsletters and/or electronic media available in their premises. As the MyCC has priority targeted groups, the MyCC is in discussions with key organisations negotiating for media space so that the MyCC could send in articles of interest to members of the associations. We have successfully been able to negotiate 8 columns throughout the year in a magazine targeted at SMEs called the Malaysia SME where the CEO contributes to a series of articles called "A Question of Competition". These articles basically feature important issues which should be of concern to the SMEs, and who have been lobbying strongly for an outright exemption from the Act.

Negotiations are on-going for complimentary media space in other major newspapers and electronic media.

Communicating through advocacy programmes form a major part of the Commission's functions. This legally binding provision in the Competition

Commission Act 2010 imposes a statutory obligation on MyCC to carry out this function. Due to the wide scope of this particular provision, the advocacy strategy plan of the Commission which has identified the priority areas to focus on, helped streamline our activities. While the first few years saw the Commission accepting all requests for briefings, we have become selective and now focus only on the sectors that are of concern to us. So far a total of 114 programmes have been conducted to government as well as the business sector. General briefings are held every quarter to cater for those wanting to have a snap shot of the CA 2010.

For the public sector, outreach is through participation in trade fairs and exhibitions organised by government agencies where booths are set up to give explanations about the act, hand out brochures and publications as well as to do a quick survey on the level of awareness on the act and the Commission. Requests for briefings by the public sector are also undertaken especially when the agencies concerned are drafting circulars, policies or legislation. We have so far provided 15 policy advice and recommendations to various government agencies.

Case studies are a good source for advocacy programmes. While the MyCC has completed investigations on several cases, final decision has only been given on 4 cases while the others are in different stages of investigation. The completed cases have been used as case studies in our advocacy programmes as it serves as a reminder or introduction to key issues that competition law addresses as well as an introduction to the role of economics in this field. Not only that, as a continuous branding exercise it reemphasises who and what the Commission does.

In 2013, the Commission published and launched a compliance manual which was then subsequently sent to the top 100 local companies in Malaysia. The exercise was done with manifold aims, firstly to create awareness among them about the law, secondly to encourage them to introduce a compliance programme and thirdly to continue with our branding exercise. We have been following up with these companies, basically to find out if they have a compliance programme in place and if not, to offer MyCC's assistance in introducing one. The MyCC in this endeavour hopes to encourage stakeholders to choose self-compliance as we feel that pre-emptive measures result in better compliance

thereby reducing the need for resource heavy enforcement. Another hidden agenda in this exercise is to enquire if any of these companies have an in-house magazine or bulletin or any electronic media whereby the MyCC could encroach to convey our messages.

Challenges

The biggest challenge faced by the communication and advocacy team at MyCC is the outreach to a society which is multi-ethnic and multilingual. Malaysia's population is close to 30 million where 15 million are the Malays and 6.5% the Chinese, the rest are made up of Indians, natives of the states of Borneo and others. This means any publication or communication activity has to be done in at least 3 major languages, ie Malay or the national language, English, which is widely used by many and Mandarin, as largely the business community is dominated by them. The fact that the law is technical in nature does not help as publications, to have a wider reach, needs to be done in a manner which is easy to understand yet carries the right message.

Malaysia is also geographically challenging with 13 states, 3 federal territories and a landmass of 329,847 sq. km separated by the South China Sea into two similarly sized regions, ie Peninsular and East Malaysia. Businesses in both the regions view the act as an impediment as cartel like behaviour is the norm for most of them. Making them understand and accept the law is a long and tedious journey for the MyCC.