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corporate law This edition has been comprehensively revised and updated to reflect the profound changes in corporate law and governance practices that have taken place since the previous edition These include numerous regulatory changes following the financial crisis of 2007-09 and the changing landscape of governance especially in the US with the ever more central role of institutional investors as active owners of corporations The geographic scope of the coverage has been broadened to include an important emerging economy Brazil In addition the book now incorporates analysis of the burgeoning use of corporate law to protect the interests of external constituencies without any contractual relationship to a company in an attempt to tackle broader social and economic problems The authors start from the premise that corporations or companies in all jurisdictions share the same key legal attributes legal personality limited liability delegated management transferable shares and investor ownership Businesses using the corporate form give rise to three basic types of agency problems those between managers and shareholders as a class controlling shareholders and minority shareholders and shareholders as a class and other corporate constituencies such as corporate creditors and employees After identifying the common set of legal strategies used to address these agency problems and discussing their interaction with enforcement institutions The Anatomy of Corporate Law illustrates how a number of core jurisdictions around the world deploy such strategies In so doing the book highlights the many commonalities across jurisdictions and reflects on the reasons why they may differ on specific issues The analysis covers the basic governance structure of the corporation including the powers of the board of directors and the shareholder meeting both when management and when a dominant shareholder is in control It then analyses the role of corporate law in shaping labor relationships protection of external stakeholders relationships with creditors related party transactions fundamental corporate actions such as mergers and charter amendments takeovers and the regulation of capital markets The Anatomy of Corporate Law has established itself as the leading book in the field of comparative corporate law Across the world students and scholars at various stages in their careers from undergraduate law students to well established authorities in the field routinely consult this book as a starting point for their inquiries

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OECD Corporate Governance Factbook 2021 OECD,2021-09-01 This 2021 edition of the OECD Corporate Governance Factbook offers a comprehensive account of how the G20 OECD Principles of Corporate Governance are implemented around the world With comparative information across 50 jurisdictions including all OECD G20 and Financial Stability Board members the Factbook supports informed policy making by providing up to date information on the ways in which different countries translate the Principles recommendations into their national legal and regulatory frameworks

Public and Private Enforcement of Securities Laws Michael Legg,2022-02-10 This book undertakes unique case studies including interviews with participants as well as empirical analysis of public and private enforcement of Australian securities laws addressing continuous disclosure Enforcement of laws is crucial to effective regulation Historically enforcement was the province of a government regulator with significant discretion public enforcement However more and more citizens are being expected to take action themselves private enforcement Consistent with regulatory pluralism public and private enforcement exist in parallel with the capacity to both help and hinder each other and the achievement of the goals of enforcement in a range of areas of regulation The rise of the shareholder class action in Australia backed by litigation funding or lawyers has given rise to enforcement overlapping with that of the government regulator the Australian Securities and Investments Commission The ramifications of overlapping enforcement are explained based on detailed analysis The analysis is further bolstered by the regulator s approach to enforcement changing from a compliance orientation to a Why not litigate approach The analysis and ramifications of the Australian case studies involve matters of regulatory theory and practice that apply across jurisdictions The book will appeal to practitioners regulators and academics interested in regulatory policy and enforcement and the operation of regulators and class actions including their interaction

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SEC Docket United States. Securities and Exchange Commission, 1994

Effective Company Disclosure in the Digital Age Gill North, 2015-10-16 Effective corporate reporting and disclosure are critical in financial markets to promote vigorous competition optimal performance and transparency This book examines whether existing disclosure frameworks in eight countries with the world's most significant securities exchanges achieve these objectives and then drawing on extensive empirical findings identifies the policies and practices that contribute most to improving the overall quality of listed company reporting and communication Contending that public disclosure of listed company information is an essential precondition to the long term efficient operation of financial markets the book provides analysis of such issues and topics as the following arguments for and against mandatory disclosure regimes key principles of periodic and continuous disclosure regulation tensions between direct and indirect investment in financial markets assumptions concerning the need to maintain a privileged role for financial intermediaries intermediary analyst and research incentives protection of individual investors selective disclosure disclosure of bad news the role of accounting standards public access to company briefings long term performance reporting and analysis and company reporting developments A significant portion of the book provides an overview of disclosure regulation and practice in the United States Canada Germany the United Kingdom Japan Hong Kong Australia and Singapore A highly informative survey looks at company reports disclosures and websites of large listed companies including Microsoft Citigroup Teck Resources Deutsche Bank BP Sony PetroChina Company BHP Billiton and Singapore Telecommunications The book discusses common disclosure issues that arise across jurisdictions provides valuable insights on the efficacy of existing disclosure regulation and practice and highlights the important principles processes and practices that underpin best practice company disclosure frameworks It will be welcomed by company boards and executives and their counsel as well as by policymakers and scholars in the areas of corporate securities banking and financial law accounting economics and finance

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Continuous Disclosure of Chinese Cross-Border Listed Companies in Australia Belle Qi Guo,2023-10-04 This book studies an overarching question of the challenges faced by Chinese lawmakers Chinese listed companies Chinese companies external advisers and securities regulators in dealing with Chinese cross border listed companies continuous disclosure in Australia and how can these challenges be addressed Chinese listed companies are struggling to meet the continuous disclosure requirements while listing in Australia and have even been depicted as having poor corporate governance and transparency Many get delisted from the securities market in Australia subsequently due to non compliance in continuous disclosure or are straight rejected from listing because of continuous disclosure compliance concerns This book cuts in from this angle and delves deep into the overarching question through the following four sub questions What are the theories and policies behind the continuous disclosure regimes in Australia and China and how have they been differently implemented in the securities markets in these two countries What are the deficiencies at the intracompany level contributing to Chinese cross border listed companies non compliant continuous disclosure in Australia What are the limitations from the perspective of external advisers efforts contributing to Chinese cross border listed companies non compliant continuous disclosure in Australia What are the difficulties at the regulatory level contributing to Chinese cross border listed companies non compliant continuous disclosure in Australia In addressing these questions and putting forward corresponding reform proposals this book takes not only legal but also historical cultural and political economic factors into consideration

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highly informative book provides for the first time comprehensive research on corporate governance in China with detailed attention to the formation and reform of its corporate disclosure laws and regulations Among the many factors analyzed are the following the role of the government in the management of state owned companies the legal and regulatory environment majority shareholders infringement of listed companies interests the increasing independence of the boards of directors the role of institutional investor the shareholding structure law enforcement and shareholders legal actions unmonitored insiders control of corporate affairs the external governance structure and the absence of fiduciary duty The author describes the nature of the many breaches of disclosure laws and rules in the two decades or so of the history of China s securities market and the pressures within the relevant government agencies confronting the problem As a detailed analysis of the Chinese corporate disclosure regime that has emerged during the period of China s economic transition since the 1990 s this incomparable book will be of great interest to legal researchers policymakers and legal practitioners working with business investments in China

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