



# Royal Commission

into Misconduct in the Banking, Superannuation  
and Financial Services Industry

# Royal Commission Into Misconduct In The Banking

**Morgan Jones, Drew Butler, Gerhard  
Plenert**



## **Royal Commission Into Misconduct In The Banking:**

**Banking on Failure** Richard S Collier,2020-09-01 Banks seem all too often involved in cases of misconduct particularly involving the exploitation of tax systems Banking on Failure explains why and how banks game the system accounting for these misconduct cases and analysing the wider implications for financial markets and tax systems Banking on Failure Cum Ex and Why and How Banks Game the System explains why banks design and use structured products to exploit tax systems It describes one of the biggest and most complex cases the cum ex scandal in which hundreds of banks and funds from across the globe participated in the raid on the public exchequers of a number of countries with losses in the tens of billions of euros The book then draws on the significance of this case study and what this tells us about modern banks and their interactions with tax systems Banking on Failure demonstrates why the exploitation of tax systems by banks is an inevitable feature of the financial markets landscape and suggests possible responses

**Die Sanktionierung gesellschaftsinterner Vorstandspflichten** Felix Abetz,2021-01-28 Die Frage der homogenen Ausgestaltung eines Sanktionsregimes für pflichtwidrig handelnde Vorstandsmitglieder ist seit jeher Gegenstand einer kontrovers geführten rechtspolitischen und rechtswissenschaftlichen Diskussion Das Sanktionsregime fusst im Wesentlichen auf zwei Säulen der häufig als ineffektiv kritisierten zivilrechtlichen Schadensersatzhaftung nach § 93 Abs 2 AktG und dem Untreue Tatbestand der stets als Damoklesschwert über den Vorstandsmitgliedern schwebt Weitgehend fremd ist der deutschen Rechtsordnung hingegen die überwiegend mit Skepsis betrachtete behördlich veranlasste Durchsetzung von Vorstandspflichten Felix Abetz nimmt die Schwächen des deutschen Rechts und die daraus resultierenden Vorbehalte zum Anlass und analysiert die australische Rechtsordnung die mit der Australian Securities and Investments Commission als federführender Aufsichtsbehörde weltweit einzigartige Mechanismen des public enforcement von Vorstandspflichten entwickelt hat

**New Accountability in Financial Services** Joe McGrath,Ciaran Walker,2022-01-01 This book is a critical examination of recently introduced individual accountability regimes that apply to the financial services industry in the UK SMCR and Australia BEAR and the forthcoming FAR together with a forthcoming new individual accountability regime in particular SEAR in Ireland It provides a framework for analysing whether these regimes will achieve behavioural change in the financial services industry This book argues that whilst sanctioning individuals to deter future misconduct is an important part of any successful regulatory strategy the focus should be on ensuring that individuals in the financial services industry internalise the norms of behaviour expected under the new regimes In this regard the analysis in this book is informed by criminological theory regulatory theory and behavioural science The work also argues for a trajectory towards professionalisation of financial services and banking in particular as an important means of positively influencing industry wide norms of behaviour which have a key influence on firms and individuals behaviours

Festschrift für Klaus J. Hopt zum 80. Geburtstag am 24. August 2020  
Stefan Grundmann,Hanno Merkt,Peter O. Mülbert,2020-09-21 Die Festschrift ist Herrn Professor Klaus J Hopt zum 80

Geburtstag gewidmet Das renommierte Herausgeber und Autorenteam aus profilierten Gesellschaftsrechtlern würdigt den Jubilar der als Ordinarius an verschiedenen Universitäten als Direktor des MPI für Ausländisches und Internationales Privatrecht und nicht zuletzt bei seiner Herausgeberschaft im GroSkommentar zum AktG über lange Jahre das deutsche Gesellschaftsrecht mit prägt **2024 Culture & Conduct Risk in the Banking Sector** Stephen Scott, 2024-06-11

Starling is pleased to offer the seventh edition in its annual Compendium series for 2024 a comprehensive report detailing the priorities and activities of bank regulators regarding firm culture and conduct risk management This year's report features contributions from more than 30 senior banking industry executives regulators and central bankers international standard setters and academics We also report on major developments events and analysis on culture conduct risk management supervision across major global financial markets **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 Organizations as Wrongdoers Stephanie Collins, 2023

Stephanie Collins presents a philosophical theory of organizational wrongdoing States pursue unjust wars businesses avoid tax charities misdirect funds Our social political and legal responses to these kinds of moral wrongdoing need guidance Organizations as Wrongdoers illuminates what we're responding to and how we should respond to it Australian Commercial Law Dilan Thampapillai, Claudio Bozzi, Mark Giancaspro, George Yijun Tian, 2020-06-24 Fully revised and updated Australian Commercial Law offers a comprehensive accessible introduction to key aspects of Australian commercial law Part 1 introduces the fundamentals of contract law and business structures before examining the sale of goods agency bailment and personal property Part 2 covers the Australian Consumer Law focusing on areas important to commercial entities that interact with consumers Part 3 examines international commercial law providing a detailed introduction to the World Trade

Organization and to agreements central to trade between countries The second edition includes detailed discussion of key concepts in commercial law four new chapters on contract law basics business structures bankruptcy and international commercial law thorough integration of digital and e commerce transactions and end of chapter discussion questions designed to test reader knowledge of key points and themes Written in a clear and concise style by an expert author team Australian Commercial Law is an indispensable resource for students seeking a comprehensive understanding of commercial law

*The Key Code and Advanced Handbook for the Governance and Supervision of Banks in Australia* Francesco de Zwart, 2021-10-12 This Key Code and Handbook examines the corporate governance and accountability of Major Banks their directors and executives which were the central focus of bank Supervisor Regulator and governmental activity and public scrutiny in 2018 and 2019 This book explores this responsibility focus by providing evidence from the Global Financial Crisis and beyond with both APRA and ASIC investigating illegal conduct misconduct and conduct which was below the level of community expectations This book discusses how the Royal Commission into misconduct in the banking and financial services industry has already given rise to a detailed Final Report whose recommendations are still being put into effect Further this book uses evidence provided by the large number of Prudential Standards issued by APRA and investigations into the conduct of Major Banks by Regulators This book explores governance variables over 1 700 in number and grouped into 159 key groupings or separate categories which are all indexed to 28 governmental regulatory and supervisory reports and documents to create a governance code and commentary specifically tailored to Australian banks Each governance variable is modelled on the Stage 1 Relational Approach contained in Enhancing Firm Sustainability Through Governance Given the huge interest in the governance of banks Parts 1 and 2 explaining the Relational Approach of Stage 1 were recently published in November 2018 and June 2019 in the Australian Journal of Corporate Law This book is the largest reference book and handbook in publication worldwide containing the structures mechanisms processes and protocols the checks and balances we call governance variables that deeply addresses and explains banking accountability and regulation in Australia

**The Origins of Ethical Failures** Dennis Gentilin, 2022-12-30 Winner of the Bronze Axiom Business Book Award 2024 in the Business Ethics category In this thoroughly updated new edition of his ground breaking and award winning book Dennis Gentilin draws on both his personal experience as a well known whistleblower and recent events in the Australian financial services industry to provide insights into how widespread systemic ethical failure can take hold in an industry and crucially what leaders need to focus on to avoid it In 2001 as a young university graduate Dennis Gentilin became a member of an FX trading desk at one of Australia's largest banks the National Australia Bank In the years that followed the desk became involved in a trading scandal that resulted in the resignation of the chairman and CEO the collapse of the board significant financial loss and incalculable reputational damage Over the past decade the frequency of ethical failure within the Australian financial services industry has only increased Among other failures there have been multiple breaches of the Anti

Money Laundering and Counter Terrorism Financing Act rigging of the benchmark BBSW interest rate mis selling of consumer credit insurance and predatory sales practices In this new edition Gentilin draws on experimental research from economics and finance to illustrate how when the conditions are permissive humans have a predisposition towards dishonesty and therefore to reduce the likelihood of ethical failure leaders must focus obsessively on putting in place appropriate institutional arrangements Gentilin s combination of intellectual rigour and real life reflections makes this book a must read for students practitioners and leaders alike who would like to develop a deeper understanding of corporate ethics governance and conduct

Payments and Banking in Australia Nikesh Lalchandani,2020-08-31 This book will Challenge the assumption that banks will continue to control payments and the flow of money Point to the chinks in their armour and where the opportunities lie Examine the technologies and approaches that have begun to disrupt and transform the current model Arm you with the knowledge you need to make sense of and navigate this critical industry as it transforms in innovative and valuable ways For the first time in Australian financial history this book brings together in one place what is under the hood of the Australian payments money and banking systems and is a must read for anyone needing a solid understanding of this critical space Told as a story this is an inspiring and captivating treatise on how Australia s systems work and where the future lies

**Transform Behaviors, Transform Results!** Morgan Jones,Drew Butler,Gerhard Plenert,2022-10-24 When trying to embed changes or new mindsets and behaviors organizations tend to focus on following a particular methodology rather than clearly defining the underlying behaviors that will deliver the sustainable behavioral change and align the thought processes that drive the behaviors whether their intent is to continuously improve safety or overall risk management or achieve a sustainable growth and improvement trajectory The key role of leadership teams is not to deliver results It is to inspire and own the organizational culture that delivers the expected results If culture is owned by HR it is doomed to be another thing leaders have to do on top of their day job Business leadership teams must oversee defining and managing organizational culture and have HR coach the capability of leaders to cast the right leadership shadow by role modeling the right behaviors rewarding the right behaviors in their teams and providing clarity on expectations around behaviors for all leaders and employees The most challenging part of any performance improvement implementation is the identification of key behavioral indicators KBIs The purpose of this book is to assist with that challenge and make behaviors easier to understand and identify The book defines and describes the importance of focusing on the behaviors necessary for sustainable change rather than focusing on the tools and methodology behind change management It discusses multiple lenses of change including Lean Six Sigma Agile Risk and Customer Experience and also addresses the weaknesses of complying solely with the methodology and tools It proposes a behavioral framework to suit each particular lens This book begins with reasons most continuous improvement programs fail to deliver the expected results More importantly it discusses embedding the newly described mindsets and capabilities into the business The book concludes by providing

leaders a roadmap and a coaching framework for how to align and embed their new behavioral framework at all levels starting from the front line worker up to the CEO Essentially this book leads the reader through the process of understanding the concept of defining behaviors and the difference between them and tools methodology It introduces KBIs for leaders to define and drive the desired behaviors at all levels This will increase the probability of sustainability for the improvement initiative by focusing on and maturing the behaviors these initiatives are trying to drive

**The Impact of Political Economy** Piet Naudé, Michael Welker, John Witte Jr., 2023-06-23 In our late modern pluralistic societies there are tensions and complementarities between a plurality of individual and social claims and activities to shape societal life and a constructive pluralism of what is known as social systems The latter provide normative codes and powers emanating from the areas of law religion the family the market the media education academic research health care defense and politics A better understanding and steering of this complex division of powers is crucial for the common good and for freedom and peace In this volume a multi disciplinary team of experts from Germany Italy Australia the UK the USA and South Africa bring their conceptual empirical and historical insights to bear in three broad sections The moral dimension of social systems The interaction of religion law and education with political systems and The moral mal formation evident in case studies on the global financial crisis and social media

**Evil Corporations** Penny Crofts, 2024-07-05 This book elaborates and interrogates the idea of evil corporations from a diverse range of disciplines There has long been awareness of systemic harms inflicted by corporations but this awareness has rarely led to any effective legal means to prevent and or respond adequately to them Lawyers and legal theorists appear to be stuck asking the same questions and giving the same ineffective answers Part of the problem this book maintains is the relative lack of theoretical interrogation into the nature of corporations as responsible moral agents To break this stasis this book draws upon philosophies of wickedness in order to ask whether or not corporations are or can be evil With contributions from a range of different disciplines including law cultural theory theology and philosophy it offers a novel account of how and why corporate wrongs are caused whilst exploring the extent to which the legal system itself facilitates such wrongdoing The book targets a broad international audience with research interests in corporate crime This will be of particular interest to those within the legal discipline including corporate law criminal law corporate crime and law and humanities scholars Chapter 9 of this book is freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial NoDerivatives CC BY NC ND 4.0 license

**Risk Governance** Elizabeth Sheedy, 2021-06-10 Biases blind spots and bonuses or incentives more broadly have led to numerous risk management disasters Risk governance is a potential solution to these problems yet is not always as effective as we would like it to be One reason for that is the current dearth of risk governance expertise This book seeks to address this issue providing Understanding of the fundamental forces that cause disasters the biases blind spots and bonuses This understanding is drawn from the disciplines of economics finance

and psychology Explanation of the structures of risk governance and common challenges experienced in their use e.g. board risk committee risk compliance function assurance function risk appetite statement risk disclosures Thorough investigation of risk culture and its importance in risk governance including the assessment of risk culture Understanding of the mechanisms of executive compensation and how they link to risk management one of the most difficult challenges confronting both risk and remuneration committees Explanation of the risk management process based on international standards ISO31000 including practical guidance on risk communication analysis and treatment Guidance on the management of strategic risk emphasising the importance of scenario analysis Application of these principles to cyber risk climate risk two pervasive risks affecting almost every organisation Numerous case studies and examples drawn from various industries around the world and Discussion of what has been learned about risk governance from the COVID 19 experience The book is an essential guide for postgraduate students participants in professional education programs in governance and risk management directors senior executives risk compliance and assurance professionals as well as conduct and prudential regulators worldwide *Financial Advice and Investor Protection* Booyesen, Sandra, 2021-12-07 This comprehensive book offers a rigorous analysis of the legal debates approaches and practice related issues surrounding financial advice and investor protection Despite widespread recognition of the importance of financial inclusion more broadly construed recent financial crises have highlighted deficits in retail investor protection this book informs the development of robust yet adaptable frameworks to protect investors including effective enforcement and dispute resolution **The Cambridge Handbook of Twin Peaks Financial Regulation** Andrew Godwin, Andrew Schmulow, 2021-07-15 First proposed in 1994 the Twin Peaks model of financial system regulation employs two specialist peak regulators one charged with the maintenance of financial system stability and the other with market conduct and consumer protection This volume with contributions from over thirty scholars and senior regulators provides an in depth analysis of the similarities and differences in the Twin Peaks regimes that have been adopted around the world Chapters examine the strengths and weaknesses of the model provide lessons from Australia the first to adopt the model and offer a comparative look at the potential suitability of the model in leading non Twin Peaks jurisdictions A key resource for central bankers public policy analysts lawyers economists politicians academics and students this work provides readers with a comprehensive understanding of the Twin Peaks model and a roadmap for countries considering its adoption Better Law for a Better World Liz Curran, 2021-04-19 How as a society can we find ways of ensuring the people who are the most vulnerable or have little voice can avail themselves of the protection in law to improve their social cultural health and economic outcomes as befits civilised society Better Law for a Better World answers this question by looking at innovative practices and developments emerging within law practice and education and shares the skills and techniques that could lead to confidence in the law and its ability to respond Using recent research from Australia practice initiatives and information the book breaks down ways for law students legal educators and



law practitioners including judicial officers law administrators legislators and policy makers to enhance access to justice and improve outcomes through new approaches to lawyering These can include Multi Disciplinary Practice including health justice partnerships integrated justice practice restorative practice empowerment modes community client centred approaches and collaborative interdisciplinary practice informed by practical experience The book contains critical information on what such practice might look like and the elements that will be required in the development of the essential skills and criteria for such practice It seeks to open up a dialogue about how we can make the law better This includes making the community more central to the operation of the law and improving client centred practice so that the Rule of Law can deliver on its claims to serve protect and ensure equality before the law It explores practical ways that emerging lawyers can be trained differently to ensure improved communication collaboration problem solving partnership and interpersonal skills The book explores the challenges of such work It also gives suggestions on how to reduce professional barriers and variations in practice to effectively humanely and efficiently make a difference in people s lives The book builds essential skills and new approaches to lawyering for law students legal educators new lawyers and seasoned lawyers judicial members and law administrators to equip them to better respond to community need It looks at the law in context by also exploring the role of the law in improving the social determinants of health and socially just outcomes

**Real Communication** Gabrielle Dolan, 2019-04-16 Effective communication through authentic leadership A rapidly evolving workplace and disruptive technologies have created a growing demand for transparency and authenticity in communication from business leaders Yet many decision makers find themselves far behind the curve when it comes to understanding and meeting the evolving expectations of employees and customers Real Communication How to Be You and Lead True reveals how to guide and communicate in a way that is authentic and will help business leaders truly connect and engage with their teams customers and coworkers Communicate more effectively Improve employee engagement Manage organisational changes Help teams cope with change When employees trust their leaders businesses thrive In Real Communication you will find everything you need to implement new strategies instill core values and cultivate engagement

**Financial Institutions and Markets** Ben Hunt, Chris Terry, 2018-09-01 Financial Institutions and Markets focuses on the operation of Australia s financial system Thoroughly updated this eighth edition retains the structure of the seventh edition examining the financial system s three main functions settlement flow of funds and risk transfer The book provides a comprehensive and comprehensible integrated account of the activities of Australia s financial institutions and markets and their instruments including the major capital and foreign exchange markets and the markets for derivatives This new edition is complemented by digital resources on the MindTap online platform also enabling flipped delivery of the content expanded learning objectives and updated case studies and research to cover recent events such as Brexit Premium online teaching and learning tools are available to purchase on the MindTap platform Learn more about the online tools [cengage.com/au/learning/solutions](http://cengage.com/au/learning/solutions)

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