

Corporate Sector Whistleblower Protection in Australia and Malaysia -Some Regulatory
Problems and Issues

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By

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In the light of the numerous financial and other scandals which have occurred in recent years, the question as to who is best able to protect the shareholders of a company from internal fraud and the public from the fraud or malpractice of the company has been widely debated. The role and value of corporate sector whistleblowing legislation, introduced in various jurisdictions in recent times, is contentious. This paper will analyze and consider the approaches of regulatory mechanisms and repercussions of whistleblower initiatives in Australia and Malaysia. The paper will discuss reforms under the Corporate Law Economic Reform Program (CLERP 9), the Malaysian Companies Act 1965 and the recent Malaysian Capital Market and Services Act 2007. The paper will consider regulatory theory and also evaluate the relationship between whistle blowing policies and good principles of corporate governance. Finally the paper will suggest the components of a good whistle blowing model and also review the limits to whistle blowing as a regulatory tool.

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