



THE SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS LEGISLATION COMMITTEE

23 July 2010

Senator the Hon John Hogg
President of the Senate

**INQUIRY INTO THE PROVISIONS OF THE CORPORATIONS AMENDMENT
(SONS OF GWALIA) BILL 2010**

Background

On 23 June 2010, the Senate referred the provisions of the Corporations Amendment (Sons of Gwalia) Bill 2010 (Bill) to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry and report by 24 August 2010.

The Bill sought to amend the rights of persons bringing claims for damages in relation to shareholdings under the *Corporations Act 2001* by effectively reversing the High Court of Australia's decision in *Sons of Gwalia Ltd v Margaretic* (2007) 231 CLR 10; [2007] HCA 1.

Conduct of the inquiry

The committee advertised the inquiry in *The Australian* newspaper on 30 June 2010 and 14 July 2010, and invited submissions by 30 July 2010. Details of the inquiry, the Bill and associated documents were placed on the committee's website. The committee also wrote to over 20 organisations and individuals.

The committee received one submission for this inquiry.

On 19 July 2010, the Governor-General prorogued the 42nd Parliament and dissolved the House of Representatives. Accordingly, the committee has resolved not to continue its inquiry into the provisions of the Bill. This decision is consistent with the approach to inquiries during elections adopted by other Senate committees. If the Bill is reintroduced in the new parliament, the Senate can again refer it to the committee for inquiry.

Senator Trish Crossin
Chair