

President's Report: AGM

6 February 2023

Swinburne Law School, Melbourne, Victoria, Australia

This report has been prepared for the 2023 AGM and covers the activities of the Society of Corporate Law Academics for the period July 2022 to January 2023. This is of course a shorter period than usual, due to the Covid19 induced delay to the 2022 conference.

Executive Committee of the SCOLA

The SCOLA was established as an unincorporated association in 1994, by scholars of corporate law, with the original name of Corporate Law Teachers Association. The society seeks to represent the voices of the various corporate law scholars in Australia, New Zealand and the Asia Pacific region. The goals of SCOLA include:

- Advancing corporate law teaching, research and scholarship.
- Promoting cooperation and exchange of ideas between corporate law scholars in the region.
- Promoting active cooperation between corporate law teachers and universities.
- Promoting cooperation with professional legal associations and law reform agencies.
- Hosting an annual conference to highlight current developments in corporate law scholarship.

The Executive Committee of SCOLA for 2022 comprised:

- Vivienne Brand, Flinders [President]
- Susan Watson, University of Auckland [Immediate Past President]
- Michael Duffy, Monash [Secretary]
- Anil Hargovan, UNSW [Treasurer]
- Ellie Chapple, QUT
- Beth Nosworthy, University of Adelaide
- Natania Locke, Swinburne
- Marina Nehme, UNSW
- Suzanne Le Mire, University of Adelaide
- Michelle Worthington, ANU
- Tim Peters, USC

2022 SCOLA Conference

Last year's conference was hosted by the School of Law & Criminology at the University of the Sunshine Coast. The theme for the Conference was 'Re: The Corporation: Re-Thinking, Re-Forming, Re-Imagining' and the conference was held in-person and online from Sunday 3 July - Tuesday 5 July 2022. It featured Laureate Professor Sundhya Pahuja of the University of Melbourne Laureate Research Program in Global Corporations and International Law as the keynote speaker. I am pleased to say that Professor Pahuja has furthered the Research Program's connection to SCoLA this year with a follow up event to the 2023 conference in Melbourne.

The 2022 conference was held in the picturesque setting of the University's Sunshine Coast campus, with excellent presentations across all 3 days. The conference dinner was held in the hills behind the campus, with bespoke chauffeuring to and from the venue by the multi-talented conference convenor Tim Peters and his support team. SCOLA sincerely thanks A/Prof Tim Peters, Ashley Pearson, Vincent Goding, Kirsty Walker and their team for a wonderful event, as well as the plenary speakers and panellists for sharing their insights. We also acknowledge the sponsorship of Wiley Publishing, Lexis Nexis, Oxford University Press, Cambridge University Press, Thomson Reuters and Bloomsbury Publishing.

2023 Conference

This year's conference is hosted by Associate Professor Natania Locke and her colleagues Helen Bird; Karnika Bansal; Zale Zhou and Irene Thavarajahat of Swinburne Law School, in their Hawthorne campus, under the theme of 'Corporations Law: Rising to the Challenges of our Time'.

The conference features three plenary sessions, with a keynote presentation from Prof Iris H-Y Chiu, Professor of Corporate Law and Financial Regulation at the Faculty of Laws, University College London and Director of the UCL Centre of Ethics and Law, on '*Sustainable Finance Regulation: Authoritative or Market-based Regulation*'. The conference also features a plenary discussion panel on '*Industry Perspectives on the Role of Corporate Law in Meeting the Challenges of Our Time*', featuring The Hon Ray Finkelstein AO KC, and a panel of leading industry members; another on '*Charities, Corporations and Financial Services - Regulatory Complexity and Coherence*', presented by Professor Rosemary Langford and Dr Andrew Godwin; and a special plenary panel on '*The thoughts that shaped our thoughts*' featuring Emeritus Professor Stephen Bottomley, Professor Jennifer Hill, Emeritus Professor Paul Redmond, Emeritus Professor Ian Ramsay and Emeritus Professor John Farrar.

The conference also features teaching and learning discussions on Sunday afternoon: Professor Prue Vines, Associate Professor Marina Nehme & Associate Professor Natania Locke, on the topic of '*Teaching Corporate Law as a Subversive Activity*'; Dr Meredith Edelman, speaking to '*Authentic Assessment, Corporate Crime, and the Criminological Imagination*' and Associate Professor Beth Nosworthy & Nadia Hess looking at '*Incorporating Ethics into the Teaching of Corporate Law*'.

We are grateful to our 2023 sponsors Thomson Reuters, LexisNexis, Cambridge University Press and MinterEllison.

2023 Best Paper Prizes

Every year one paper is selected from the annual conference for the best paper prize. A full description of the terms of the award can be found on the SCOLA website. The prize is designed to encourage scholarship by authors at Senior Lecturer level or below. Accordingly, papers submitted by authors whose appointment is above Senior Lecturer (or equivalent) are ineligible for the prize. The eligible papers must be submitted by the date which is nominated in the call for papers.

The Best Paper Prize is presented at the SCOLA Conference dinner by Mark Wilbourn, General Manager, Education, on behalf of our major sponsor, Governance Institute of Australia. We thank the Governance Institute for their continued support of the SCOLA and the Best Paper Prize – a prize the Institute has sponsored since inception.

In addition, the first SCOLA – or as it then was, CLTA, Corporate Law Student Essay Prize was offered in 2017, with submissions from CLTA members who recommended student essays of between 3,000 and 5,000 words from students studying corporate law and related subjects at either undergraduate or postgraduate level in Australian and New Zealand universities. We encourage SCOLA members to promote the prize to their students for the 30th anniversary conference. Please speak to members of the Executive if you have any queries regarding the prize.

Best paper announcements will be made at the conference dinner to be held at the Langham Hotel, Yarra Room.

2023 SCOLA Life Members Conference Bursary

Our bursary program offers financial support to scholars, usually HDR candidates, to present a paper at the conference. There are generally two bursaries awarded each year. Congratulations to this year's recipients:

Peter Underwood (Exeter Law) is the recipient of the Paul Redmond Life Member Bursary and is presenting his paper, '*Corporations in crisis: It is broke and we must fix it*'; and

Katie Watson (University of Newcastle) is the recipient of the Jennifer Hill Life Member Bursary and is presenting, '*More Women, More Money? The Discourses Underlying Legal and Regulatory Initiatives to Increase Women's Representation on Corporate Boards*'.

Vale Professor Roman Tomasic

We have continued this year our practice of notifying our community of significant events and in July we shared the sad news of the death of Professor Roman Tomasic, a long and close friend of SCoLA. Roman, who was President of the Association 1996-1997, played a foundational role in our society and was a very strong long-term supporter of CLTA/SCoLA - we believe that the 2022 conference was one of very few conferences that he did not attend. Roman's contributions also included being a founding Editor of the Australian Journal of Corporate Law. Throughout his long and distinguished career Roman made doctrinal and empirical contributions across a broad range of fields including comparative and international aspects of corporate law, corporate governance, insolvency, business regulation, analysis of Chinese and East Asian legal systems and stakeholder governance. The Society wrote to Roman's family and sent flowers to Roman's funeral; Roman's contribution is also being marked at this conference in a range of ways, most particularly in a posthumous nomination for Life Membership.

General Activities of the Executive

The SCOLA executive has had a busy half year since Susan Watson's report at the July 2022 conference with a number of activities worth special mention.

Conference timing

In light of Covid19 impacts the 2022 conference was postponed from its usual February timeslot to early July. This successful conference has then been followed up with the 2023 conference at a timing in line with the long term setting for SCoLA/CLTA conferences. Delivering two events within 7 months of each other has involved a considerable amount of work for the Executive but also conference organisers. The

delay of the 2022 conference added considerable work to the convenor Associate Professor Tim Peter's load. In turn, the decision at that conference to return to a February date required a very fast turnaround by the convenor of the 2023 conference, Associate Professor Natania Locke. Our sincere thanks (and congratulations) to all involved.

Parliamentary Joint Committee engagement

This year SCoLA has been actively engaged with the work of the Commonwealth Parliamentary Joint Committee on Corporations and Financial Services. Representatives of the Executive attended a private briefing at Parliament House in September 2022 and also appeared at an Insolvency Inquiry hearing in Sydney in December 2022. In both cases SCoLA prepared written submissions and drew on experts and others within the Society, leveraging our broad and deep expertise. It was pleasing to receive positive feedback from the Committee on the quality and usefulness of the Society's contribution and we continue to engage with the work of the Insolvency Inquiry in particular.

2024 SCOLA Conference

We are delighted that the Faculty of Law and Justice and Business School at the University of NSW, represented by Associate Professor Marina Nehme and Associate Professor Anil Hargovan, have offered to host the SCOLA conference in February 2024, allowing the event to return to its birthplace in its 30th anniversary.

The SCOLA website: www.SCoLA.edu.au will be updated in due course with 2024 conference details (dates, conference theme and call for papers) via a link to the host university's website.

Thank You

I would like to thank the members of the 2022 Executive for their support and wonderful collegiality. I am particularly grateful to Michael Duffy as Secretary and Anil Hargovan as Treasurer, as well as to Ellie Chapple as Society corporate memory holder, for their generous and extensive work on behalf of the Executive. It has been an honour to serve as President of the SCOLA this year and I look forward to a productive 2023.

Vivienne Brand

Flinders University

SCoLA President