

10 September 2021

Market Conduct Division
Treasury
Langton Cres
Parkes ACT 2600

Email: businesscomms@treasury.gov.au

Exposure draft legislation to support companies and their officers to use technology to satisfy *Corporations Act 2001* requirements

The Property Council welcomes the opportunity to provide comments on the exposure draft of legislation to support companies and their officers to use technology to satisfy *Corporations Act 2001* requirements.

We welcome and support the permanent reforms to facilitate the use of technology in meetings, to execute documents and send meeting-related materials. However, we are concerned with aspects of the exposure draft related to the holding of virtual meetings and providing options for members to ask questions both orally and in writing, detailed below.

- *The exposure draft allows companies and registered schemes to hold physical and hybrid meetings. **Wholly virtual meetings may also be used if they are expressly required or permitted by the constitution.***
 - We reiterate our earlier request that wholly virtual meetings be included in The Corporations Act, rather than through company constitutions.
 - Allowing wholly virtual meetings will modernise business in line with the available technology, allow wide access for shareholders, and give companies the flexibility to determine the most appropriate approach for their circumstances.
- *If the meeting is held using virtual meeting technology (whether or not it is held at one or more physical venues), the exposure draft requires that virtual meeting technology must: (a) be reasonable; and (b) allow the members who are entitled to attend the meeting, and do attend the meeting using that virtual meeting technology, as a whole, to **exercise orally and in writing any rights of those members to ask questions and make comments.***
 - We maintain our position that companies should not be required to provide both options.
 - Providing both options is burdensome and often one is unused, which is ultimately detrimental to shareholders.

We have attached our previous submission on these matters which contains further detail on the adverse or unintended impacts of these meeting requirements and the recommendations to address these impacts.

We request Treasury rectifies these aspects of the exposure draft in order to support businesses in the economic recovery. We urge this to be done in an expedited manner.

If you would like to discuss any aspect of this submission further, please contact Adele Lausberg on 0415 225 638 and alausberg@propertycouncil.com.au, or myself on 0400 356 140 and bngo@propertycouncil.com.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Belinda Ngo', written in a cursive style.

Belinda Ngo
Executive Director, Capital Markets