**CommBank case judgment: a loss for shareholder rights**

31 July 2015

The Australasian Centre for Corporate Responsibility (ACCR) and lawyers Environmental Justice Australia are disappointed with today’s decision in their case against the Commonwealth Bank.

The case centred on the rights of shareholders to put resolutions to the AGMs of Australian companies. ACCR put a resolution requesting the bank to report on its financing of carbon emissions to Commonwealth Bank. The bank declined to put this to shareholders. The judge has now ruled that shareholders do not have the legal right to put such resolutions to their shareholders.

“Today’s decision says that, in Australia, shareholders – the owners of a company – can only comment on the behaviour of their company by attempting to change the company's constitution.” said Caroline Le Courteur of the ACCR.

“We brought this important test case because, in an age of increasing corporate power, it is more and more important that shareholders can hold corporations accountable for their actions.” she continued.

“It is disappointing that the decision has left Australia far behind other developed countries such as the US, the UK, New Zealand and Canada, where shareholder resolutions are an accepted, healthy part of corporate culture and where they have proven capable of bringing about real change.” she went on.

“We will continue to fight for corporate democracy and accountability. First, we will review the decision and assess our options for appealing and if necessary take this all the way, with an appeal to the High Court.” she concluded.

“We will also continue to work with other shareholders and the community to improve the accountability of corporations and use the law to deliver better outcomes for the environment and the community.”  
   
“As a result of this case, it will be harder for shareholders who own and ultimately control companies to hold the company accountable for  harm the environment, abuse human rights or engage in other conduct that isn’t in the best interests of their shareholders or the community ” said Felicity Millner, Director of Litigation, Environmental Justice Australia.

“On behalf of Environmental Justice Australia and ACCR, we wish to extend our heartfelt thanks to our barristers and supporters, whose generous support made the case possible.” she  concluded.

More information: [Commonwealth bank case briefer](https://envirojustice.org.au/accr-shareholder-resolution-case-media-briefer)  
 