

Foreword

The Hon Justice John Gilmour

I am pleased to be asked to write a Foreword to this collection of papers from a conference held in February at the University of Western Australia. I was asked to Chair that conference and was able to consider the papers during the conference and thereafter.

It is interesting to reflect how, in the past two decades, schemes of arrangement have assumed much significance in the commercial life of Australia. Schemes of arrangement came into popularity because of their flexibility and due to the established learning surrounding their formulation and progress. The conference sought to deal not only with the legal aspects of schemes of arrangement, but also to identify and analyse the commercial rationale which supports them. Such a diversity of approaches to the topic is to be encouraged. Whatever approach to scholarship in this area is taken, the need to address the statutory material for the subject is clearly a salutary one. The contributions in this volume take on this need.

It is good to see from the tables, forming appendices to this book, that schemes of arrangement are pursued across the nation, in both the State and Federal Courts of Australia. A collection such as this can only enhance uniformity in treatment of applications before the courts in respect of schemes of arrangement. That would make for commercial certainty and be productive of a result for parties which is both efficient and cost effective.

The book will be useful to legal practitioners and a handy tool for those who are called upon to advise on schemes of arrangement. I welcome the publication of this collection of essays as giving a practical overview of the use of schemes of arrangement in Australian commercial life today.

Federal Court of Australia
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