

PJC Inquiry into Corporate Insolvency

Overview of Findings

NEAR-TERM ACTIONS

FOR ASIC CONSIDERATION

- ✓ Collection and provision of granular data (rec 4, ch 6)
- ✓ Data analysis to examine solvency of deregistered companies (rec 10, ch 7)
- ✓ Insolvency practitioner reporting requirements and ASIC responses to them (rec 19, ch 10)

FOR GOVERNMENT CONSIDERATION

- ✓ Implement the recommendations of the Safe Harbour Review (rec 7, ch 7)
- ✓ Small business restructuring and simplified liquidation pathways (rec 8, ch 7)
- ✓ Eligibility requirements of registered practitioners to address gender imbalance (rec 12, ch 8)
- ✓ Improve regulation and active enforcement of untrustworthy pre-insolvency advisors (rec 15, ch 8)
- ✓ Changes to the Assetless Administration Fund (rec 16, ch 9)
- ✓ Potential benefit of a Public Interest Administration Fund (rec 17, ch 9)
- ✓ Insolvency practitioner reporting requirements and ASIC responses to them (rec 19, ch 10)
- ✓ Model creditor guidelines for ATO (rec 22, ch 10)
Improvements to the Fair Entitlements Guarantee (rec 24, ch 11)
- ✓ Response to 2015 Whittaker Review (rec 26, ch 12)
- ✓ Clarifying the treatment of trusts in insolvency (rec 28, ch 14)
- ✓ Principles and objectives of insolvency law (rec 2, ch 4)
- ✓ Interaction between insolvency systems (rec 3, ch 5)
- ✓ Consultation on access to, and analysis of, insolvency data (rec 5, ch 6)
- ✓ Holistic systems analysis of corporate insolvency pathways (rec 6, ch 7)
- ✓ Further consideration of safe harbour (rec 7, ch 7)
- ✓ Voluntary administration and members voluntary liquidation pathways (rec 9, ch 7)

COMPREHENSIVE REVIEW

- ✓ Factors influencing remuneration of insolvency practitioners (rec 13, ch 8)
Independence requirements for insolvency practitioners (rec 14, ch 8)
 - ✓ Nature and extent of the harm posed by 'untrustworthy pre-insolvency advisors' (rec 15, ch 8)
 - ✓ Funding administrations of assetless companies and merits of creating a public liquidator (rec 18, ch 9)
 - ✓ Current statutory reporting obligations (rec 19, ch 10)
Operation of the insolvent trading regime (rec 20, ch 10)
Impact of ATO relief to business (rec 21, ch 10)
 - ✓ Relative priority of employees, liquidators and secured creditors (rec 23, ch 11)
Franchising insolvency issues (rec 25, ch 11)
 - ✓ Unfair preferences and voidable transactions (rec 27 ch 13)
- ✓ Consistent with ARITA recommendations, submissions &/or evidence