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Agency, Joint Ventures and Insolvency – *Jonathon Moore QC*

Joint ventures can be established in a variety of ways. Some result in the appointment of an operator as the agent of the joint venturers. The intersection of the received orthodoxy governing undisclosed principals and the practicalities involved in an agent’s insolvency can give rise to difficult issues. Chief among them is the identification of the claims that a liquidator or trustee in bankruptcy can cause the agent to bring against the joint venturers, and the position of creditors of the agent. 201

An Early Response to Regulatory Changes under the Insolvency Law Reform Act 2016 (Cth): A Survey of Registered Liquidators and Registered Trustees – *Catherine Robinson*

The regulation of insolvency practitioners requires careful consideration of the responsibilities and independence of practitioners, as well as those with proper oversight of the law, and the protection and promotion of public interest. In Australia evaluation of insolvency law reform and the regulatory regime has lacked empirical evidence from the profession. This article presents the survey analysis of registered liquidators and registered trustees regarding their views towards the 2017 reforms to the disciplinary framework. The study found practitioners view the regime as operative and that the sanctions for misconduct are adequate. Further work, however, is required from the regulating bodies about the types of misconduct that warrant enforcement action and outcomes. The study also suggests that despite being a key legislative objective, public perception of insolvency practitioners remains unchanged. The study identified ongoing concerns of misaligned stakeholder expectations and understanding of the obligations of practitioners and insolvency processes, as contributing to negative perceptions of the profession. 211

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