

INSOLVENCY LAW JOURNAL

Volume 16, Number 3

September 2008

EDITORIAL 125

ARTICLES

Where is a corporation's "centre of main interests" in international insolvency? – *Judith Wade*

The international community has long sought the appropriate means by which insolvencies involving several jurisdictions should be conducted. Central to the solution proposed is the view that jurisdictions should primarily co-operate with the proceeding underway in a company's "centre of main interests". This concept will be of increasing importance to Australia with the passing of the *Cross Border Insolvency Act 2008*, which enacts domestically the provisions of the United Nations Commission on International Trade Law Model Law on Cross Border Insolvency. This article examines how this concept was intended to operate, the actual provisions of the relevant Instruments together with how it has been judicially interpreted. It will be shown that while some certainties concerning the operation of this concept have been achieved, determining this actual location remains surrounded with considerable vagueness. This article proceeds to suggest the most appropriate interpretation of this "centre of main interests" concept. 127

The regulation of insolvency practitioners in New Zealand – *Lynne Taylor*

The current rules regulating insolvency practitioners appointed to carry out statutory insolvency processes in New Zealand are largely contained in the *Companies Act 1993* (NZ). The existing rules deal with the appointment, removal and supervision of insolvency practitioners. What New Zealand lacks is a regulatory body that licenses appropriately qualified individuals to act as insolvency practitioners and which possesses sufficient investigative and disciplinary powers to maintain a general oversight role over insolvency practitioners. The type of licensing and supervisory scheme that New Zealand should adopt, if any, has been the subject of a lengthy debate between Government officials, insolvency practitioners, and other stakeholders. This paper reviews that debate, current reform proposals, and the existing statutory regulatory regime. 150

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THOMSON REUTERS

© 2008 Thomson Reuters (Professional) Australia Limited
ABN 64 058 914 668

Lawbook Co.

Published in Sydney

ISSN 1039-3293

Typeset by Thomson Reuters (Professional) Australia Limited, Pyrmont, NSW

Printed by Ligare Pty Ltd, Riverwood, NSW