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ARTICLES

Does the voluntary administration scheme satisfy its legislative objectives? An exploratory analysis – *Abe Herzberg, Mark Bender and Lee Gordon-Brown*

Our research collected and analysed administrators' reports to creditors from a sample of companies that went into voluntary administration (VA) to assess the extent to which the voluntary administration scheme satisfies its two legislative objectives; to maximise the chances of an insolvent company or its business continuing, and, if that is not possible, to provide creditors and shareholders a better return than they could expect from an immediate liquidation. Creditor-approved deeds of company arrangement (DOCA) are the mechanism for achieving these objectives. The exploratory analysis provides indirect evidence that the scheme satisfies its second legislative objective in that unsecured creditors were expected to get better returns from an administrator-recommended DOCA than their expected return from the company's liquidation. While the scheme provides a mechanism for saving a company or its business, it is less clear that the scheme maximises the chances of doing so. We find evidence that only a small percentage of companies survive after going into VA.

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Catch me if you can: The effective service of bankruptcy documents in a changing world – *Scott Kiel-Chisholm*

This article discusses some recent judicial decisions to assist legal practitioners to overcome some of the problems encountered when serving Bankruptcy Notices and Creditor's Petitions. Some of the issues covered in the discussion are: what the valid last-known address of the debtor can be; whether a Bankruptcy Notice can be validly served by email on a debtor who is located outside Australia; whether service of a Bankruptcy Notice is valid when the debtor is outside Australia when service on the debtor occurs in Australia; whether the creditor's failure to obtain leave for service of a Bankruptcy Notice can be excused; what can be done regarding personal service of a Creditor's Petition when a debtor is outside Australia; and whether the court can set aside a sequestration order. The article goes on to place the issues in the context of broader bankruptcy policies noting that effective service of bankruptcy documents is challenging in a world where mobility of debtors is global and new modes of communication ever changing.

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