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ARTICLES

Agribusiness MIS Failures: Policy Lessons from the Quintis Failure – *Kevin Davis and Henry Herkes*

Major failures of forestry agribusiness managed investment schemes (MIS) in 2010 created significant losses for retail investors and prompted several parliamentary inquiries. Not all recommendations by those inquiries have been implemented, although many have been subsumed into policy changes stemming from the Australian Financial System Inquiry. This article argues that reforms proposed and those implemented do not go far enough to resolve inherent problems with the agribusiness MIS model. The article uses the 2018 failure of Quintis Ltd, a large ASX company and responsible entity for 17 MIS schemes, to assess the remaining gaps in tax and regulatory policy for forestry agribusiness activities and to suggest needed changes. 4

Director Restriction: An Alternative to Disqualification for Corporate Insolvency – *Michelle Welsh and Helen Anderson*

Provisions that allow for the disqualification of directors who are involved in multiple corporate failures have been adopted by legislatures in many jurisdictions. Imposing restrictions on directors is more easily justified where the director has broken the law. However, it is arguable that creditors need to be protected not only from fraudulent or dishonest directors but also from incompetent directors. It makes little difference to creditors whether their bills are not paid because of illegality or ineptitude. A way needs to be found to reconcile the need to protect future creditors, on the one hand, and the rights of persons to manage companies in the absence of wrongdoing, on the other. This article proposes the introduction of a new regulatory tool – “restricted directorships” – which has the potential to limit the harm that persons who are involved in multiple corporate failures can cause. 23

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