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Our ref IWG Submission.docx

7 October 2016

## **Review of Corporate Insolvency Law**

We are pleased to present our submission regarding Report No. 1 of the Insolvency Working Group (“the Working Group”), on insolvency practitioners and voluntary liquidations.

### **About the submitter**

KPMG is a New Zealand partnership providing Audit, Tax and Advisory services to organisations large and small from every industry sector. At KPMG, we are focused on fuelling the prosperity of New Zealand – for the benefit of all New Zealanders.

KPMG provides restructuring and insolvency services throughout New Zealand, including a substantial number of Court appointed liquidations. Vivian Fatupaito leads KPMG’s nationwide liquidation practice and is a member of the Working Group.

### **General**

We believe the current regulatory environment is inadequate and provides opportunities for self-interested and inexperienced practitioners to undertake insolvency appointments without proper oversight and accountability.

Accordingly, we broadly endorse the Working Group’s findings and recommendations to introduce a co-regulation model with greater supervision by the High Court. We believe these changes will greatly improve the current regulatory environment and provide better outcomes for the New Zealand public.

We also endorse changes to address the current issues identified with voluntary liquidations relating to:

- a) Preventing appointments from the date of service of an application for liquidation;
- b) Voiding the transfer of a company’s assets once a liquidation application has been served; and
- c) Introducing a publicly searchable unique identification number for directors.

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Should you wish to discuss our submission further or any other issues relating to the Working Group's findings or the insolvency industry in general, please contact me on (09) 367 5858 or by email at [ithursfield@kpmg.co.nz](mailto:ithursfield@kpmg.co.nz).

Yours sincerely



Ian Thursfield  
Partner, Deal Advisory