

Dear Sir,

There have been many learned submissions made in the course of this Inquiry.
However, there have also been very many diversions made from the course of the original inquiry, which was:

"This Inquiry will investigate the role of Liquidators & Administrators, their fees and their practices, and the role of the ASIC, prior to and following the collapse of a business"

How this has, by spin, morphed into:

"Proposals Paper: A Modernisation & Harmonisation of the regulatory framework applying to insolvency practitioners in Australia"

Can only be explained by Treasury & the IPAA.

It is probably best left to the inevitable Royal Commission into White Collar Crime in Australia and the involvement of the IP Trade to sort that out.

Of the original 95 submissions to the Original Senate Inquiry, 80 % queried the ineptitude of the ASIC.
Of the 33 submissions to the Govt's Options paper, nil supported ASIC and very many subtly referred to the ineptitude of the Corporate Regulator (refer eg McGrath Nicol submission) .

So what we have is a pretty clear picture of Regulatory Incompetence.
It is no longer possible for ASIC to claim a lack of resources as the problem with their lethargy / inactivity.
Time and again, in Senate Economic Reference Committee hearings Senators Williams & Eggleston queried former ASIC head Tony D'Aloisio about the adequacy of ASIC funding and time and again he replied that it was adequate.

What we have is not a Regulatory failure at all.
What we have, is a failure by the Regulator.

The Senate Inquiry did not recommend the replacement of the Regulator lightly.
They made that recommendation with unarguable justification.
Whether ASIC is replaced or rejuvenated is the only arguable factor.

I have found the ASIC front line troops to be amazingly good.

THE PROBLEM WITH ASIC IS NOT THE FRONT LINE.

My recommendation is to rejuvenate the management of ASIC from the former front line.
These guys have seen the incompetence & corruption, deplored it and suffered under the incompetence of former ASIC Management.
Give them a go and I think we will all be amazed at how little needs to change & just how much needed energising.

Regards,
Bill Doherty
Former Chair of Creditors Committee Stuart Karim Ariff