



Enforcement statistics 2019-20

Personal insolvency related (Bankruptcy Act 1966)



805 pre-referral enquiries assessed



62 infringement notices issued



778 alleged offence referrals assessed



77 briefs of evidence forwarded to CDPP



277 official cautions issued



63 briefs accepted for prosecution by CDPP*

* Include a portion of the briefs prepared and referred to the CDPP in the previous financial year.

Offence referrals and investigations

Pre-referral enquiries

During the year, 805 PREs were assessed. Of these 532 did not require a detailed offence referral.

Alleged offence referrals

778 offence referrals were assessed in the year, of which 552 were accepted for investigation.

Investigations

We assess alleged offence referrals for investigation as either compliance or complex offence matters.

Compliance offences

During the year, 183 compliance investigations were completed. Of these, 77 alleged offenders complied with their obligations after Enforcement intervention.

Complex offences

During the year, 339 complex investigations were completed.

Infringement notices

During the year, 9 infringement notices were issued to registered trustees, with 53 issued to others*.

**Others includes petitioning creditors, RDAAAs, controlling trustees and executors for deceased estates.*

During the year, 10 infringement notices were withdrawn.

Prosecutions

94 persons were prosecuted for a total of 226 charges during the year. Of those charges, 22 were withdrawn, 188 proven with conviction, 13 proven without conviction and 3 not proven.

The dollar value of those charges laid was \$4,766,162.

Charges per offence	Offence
54	Fail to file statement of affairs (Section 54(1))
1	Fail to provide evidence of income (Section 139U(1))
3	A person who conceals property with intent to defraud (Section 263(1)(d))
1	A person who intentionally makes a false statement in an affidavit (Section 263A)
3	Fail to disclose information about property and its value (Section 265(1)(a))
16	Fail to disclose information about examinable affairs (Section 265(1)(ca))
2	Omit material particular from a statement relating to any of the bankrupt's examinable affairs (Section 265(1)(f))
1	Failure of a bankrupt to inform the trustee of knowingly lodging a proof of debt that is false (Section 265(1)(g))
8	Conceal, remove, deal with property during bankruptcy (Section 265(4)(a))
20	Conceal, remove, deal with property within 12 months of bankruptcy (Section 265(4)(a) read with 265(7))
6	Obtains property by fraud (Section 265(5)(a))
20	Incur any debt or liability by fraud during bankruptcy (Section 265(5)(b))
3	Incur debts while having no reasonable or probable expectation to repay within 2 years prior to bankruptcy (Section 265(8))
6	Disposes of, or creates a charge on any property during bankruptcy with intent to defraud creditors (Section 266(1))
7	Within 12 months before bankruptcy disposes of, or creates a charge on any property with intent to defraud creditors (Section 266(3))
20	Make a false declaration (Section 267(2))
3	Failure to comply with a Notice (Section 267B(1))
10	Obtain credit alone or jointly without disclosing bankruptcy or being party to a debt agreement >\$3,000 (Section 269(1)(a))
3	Leave Australia with intent to defeat creditors (Section 272(1)(c))

PPSR related (*Personal Property Securities Act 2009*)

There have been two pre-referrals and seven referrals assessed for alleged contraventions of civil penalty provisions of the Personal Property Securities Act 2009 during the year. Two referrals were accepted for investigation. One referral resulted in an official caution being issued to the alleged offender. The investigation into the second referral is ongoing.

Please note, these are preliminary results for the year and due to the timing of the completion of matters may be subject to change—particularly when considered in the context of annual results.