



Enforcement statistics 2020-21

Personal insolvency related (Bankruptcy Act 1966)



239 pre-referral enquiries assessed



27 infringement notices issued



872 alleged offence referrals assessed



123 briefs of evidence forwarded to CDPP



175 official cautions issued



87 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, 239 PREs were assessed. Of these 178 did not require a detailed offence referral.

Alleged offence referrals

872 offence referrals were assessed in the year, of which 534 were accepted for investigation.

Investigations

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

Compliance offences

During the year, 195 compliance investigations were completed. Of these, 78 alleged offenders complied with their obligations after Enforcement intervention.

Complex offences

During the year, 232 complex investigations were completed.

Infringement notices

During the year, 2 infringement notices were issued to registered trustees, with 25 issued to others*.

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

During the year, 5 infringement notices were withdrawn.

Prosecutions

69 persons were prosecuted for a total of 163 charges during the year. Of those charges, 5 were withdrawn, 150 were proven with conviction and 8 were proven without conviction.

The dollar value of those charges laid was \$1,389,216.

Charges per offence	Offence
45	Fail to file statement of affairs (Section 54(1))
3	Fail to disclose information about property and its value (Section 265(1)(a))
5	Fail to disclose information about examinable affairs (Section 265(1)(ca))
1	Fail to deliver books that relate to examinable affairs (Section 265(1)(e))
31	Conceal, remove, deal with property during bankruptcy (Section 265(4)(a))
1	Disposes of, or gives security over, property obtained on credit and for which he or she has not paid (Section 265(4)(e))
1	Disposes of, or gives security over, property obtained on credit and for which he or she has not paid (Section 265(4)(e) read with 265(7))
36	Incur any debt or liability by fraud during bankruptcy (Section 265(5)(b))
3	Incur any debt or liability by fraud within 12 months of bankruptcy (Section 265(5)(b) read with 265(7))
2	Disposes of, or creates a charge on any property during bankruptcy with intent to defraud creditors (Section 266(1))
2	Within 12 months before bankruptcy disposes of, or creates a charge on any property with intent to defraud creditors (Section 266(3))
10	Make a false declaration (Section 267(2))
4	Failure to comply with a Notice (Section 267B(1))
1	Obtain credit alone or jointly without disclosing bankruptcy or being party to a debt agreement >\$3,000 (Section 269(1)(a))
4	Obtain goods or services alone or jointly without disclosing bankruptcy or being party to a debt agreement by promising to pay >\$3,000 (Section 269(1)(ac))
13	Leave Australia with intent to defeat creditors (Section 272(1)(c))
1	False or misleading information (Section 137.1 Criminal Code Act 1995)

PPSR related (*Personal Property Securities Act 2009*)

There have no referrals assessed for alleged contraventions of the Personal Property Securities Act 2009 during the period.

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.