



Enforcement statistics 2021-22

Personal insolvency related (Bankruptcy Act 1966)



307 referrals accepted for investigation



25 infringement notices issued



605 alleged offence referrals assessed



126 briefs of evidence forwarded to CDPP



108 official cautions issued



123 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

Alleged offence referrals

605 offence referrals were assessed in the year, of which 307 were accepted for investigation.

Investigations

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

Compliance offences

During the year, 248 compliance investigations were completed. Of these, 74 alleged offenders complied with their obligations after Enforcement intervention.

Complex offences

During the year, 141 complex investigations were completed.

Infringement notices

During the year, 3 infringement notices were issued to registered trustees, 20 to creditors and 2 to others.

During the year, 4 infringement notices were withdrawn.

Prosecutions

95 persons were prosecuted for a total of 133 charges during the year. Of those charges, 14 were withdrawn, 105 were proven with conviction, 9 were proven without conviction, 2 dismissed and 3 not proven.

The dollar value of those charges laid was \$1,365,425.

Charges per offence	Offence
43	Fail to file statement of affairs - Section 54(1)
1	Fail to file statement of affairs against 2 or more joint debtors - Section 54(2)
1	Fail to provide evidence of income - Section 139U(1)
1	Conceal property of a bankrupt with intent to defraud - Section 263(1)(a)
2	A person who conceals property with intent to defraud - Section 263(1)(d)
1	Make a false claim or a declaration or statement of account that is untrue Section 263(2)
2	Fail to disclose information about property and its value - Section 265(1)(a)
1	Fail to disclose particulars of disposition of property within 2-year period immediately preceding date of bankruptcy - Section 265(1)(b)
2	Fail to comply with a direction by the trustee to deliver property - Section 265(1)(c)
2	Fail to disclose information about examinable affairs - Section 265(1)(ca)
1	Incur debts while having no reasonable or probable expectation to repay within 2 years prior to bankruptcy - Section 265(8)
16	Disposes of, or creates a charge on any property during bankruptcy with intent to defraud creditors - Section 266(1)
12	Within 12 months before bankruptcy disposes of, or creates a charge on any property with intent to defraud creditors - Section 266(3)
6	Make a false declaration - Section 267(2)
32	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)
1	Gambling or hazardous speculations - Section 271(a)
2	Leave Australia with intent to defeat creditors - Section 272(1)(c)
1	Bankrupt travels overseas and contravenes any condition imposed by trustee Section 272(3)
1	Failure to comply with condition of discharge or release Section 20A(5)(a)(ii) of the Crimes Act 1914
2	Conditional release of offenders after conviction - Section 20(1)(a) Crimes Act 1914 (Cth)
1	General dishonesty – Influencing a Commonwealth public official (Section 135.1(7) Criminal Code Act 1995)
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.