



Enforcement statistics 2017–18

Personal insolvency related (*Bankruptcy Act 1966*)



828 pre-referral enquiries assessed



89 infringement notices issued



816 alleged offence referrals assessed



121 briefs of evidence forwarded to CDPP



232 official cautions issued



128 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 quarter, we assessed 828 pre-referral enquiries (PREs). Of these, 539 did not require a detailed offence referral from the practitioner or the Official Trustee.

Alleged offence referrals

We assessed 816 offence referrals in 2017–18, of which 616 were accepted for investigation.

Investigations

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

Compliance offences

During the year, we completed 365 compliance investigations. Of these, 104 alleged offenders complied with their obligations after Enforcement intervention.

Complex offences

During the year, we completed 295 complex investigations.

Infringement notices

During 2017–18, we issued 13 infringement notices to registered trustees, with 76 issued to others*. During the year, six infringement notices were withdrawn.

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

Prosecutions

During the year, 137 persons were prosecuted—for a total of 269 charges. Of those, 28 charges were withdrawn, 12 dismissed, 199 proven with conviction, 28 proven without conviction, and two not proven. The dollar value of those charges laid was \$6,796,372.

Charges per offence 2017–18	Offence
41	Fail to file statement of affairs (Section 54(1))
1	Fail to provide evidence of income (Section 139U(1))
1	Fail to open and maintain supervised account (Section 139ZIE(6))
1	Fail to comply with a 139ZQ notice (Section 139ZT(1))
1	Conceal property of a bankrupt with intent to defraud (Section 263(1)(a))
2	Receive property of a bankrupt with intent to defraud (Section 263(1)(b))
3	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))
1	Fail to comply with a direction by the trustee to deliver property (Section 265(1)(c))
19	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))
3	Omit material particular from a statement relating to any of the bankrupt's examinable affairs (Section 265(1)(f))
11	Conceal, remove, deal with property during bankruptcy (Section 265(4)(a))
26	Conceal, remove, deal with property within 12 months of bankruptcy (Section 265(4)(a) read with 265(7))
2	Conceals, parts with, destroys, mutilates, falsifies, alters or makes a false entry or omits a material particular from a book relating the examinable affairs (Section 265(4)(c))
5	Incur any debt or liability by fraud within 12 months of bankruptcy (Section 265(5)(b) read with 265(7))
35	Incur debts while having no reasonable or probable expectation to repay within 2 years prior to bankruptcy (Section 265(8))
1	Refuse or fail to comply with a requirement under section 77A or 130 (Section 265A(1))
4	Disposes of, or creates a charge on any property during bankruptcy with intent to defraud creditors (Section 266(1))
5	Within 12 months before bankruptcy disposes of, or creates a charge on any property with intent to defraud creditors (Section 266(3))
31	Make a false declaration (Section 267(2))
40	Failure to comply with a Notice (Section 267B(1))
4	Obtain credit alone or jointly without disclosing bankruptcy or being party to a debt agreement >\$3,000 (Section 269(1)(a))
1	Attempt to obtain credit alone or jointly without disclosing bankruptcy or being party to a debt agreement >\$3,000 (Section 11.1 Criminal Code Act 1995, section 269(1)(a))
2	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))
24	Leave Australia with intent to defeat creditors (Section 272)
1	False or misleading information (Section 137.1 Criminal Code Act 1995)
2	Obtain financial advantage by deception for another (Section 82(1) Crimes Act 1958 (Vic))

Significant prosecutions

View our [media release page](#) to view our significant prosecutions.

PPSR related (*Personal Property Securities Act 2009*)

During 2017–18, four referrals were assessed, of which one was accepted for investigation.

One official caution was issued for an alleged contravention of civil penalty provisions of the *Personal Property Securities Act 2009*.

One brief was forwarded to CDPP in relation to an alleged offence of section 136.1 of the *Criminal Code Act 1995* (Cth) – False or misleading statements in applications, in relation to misuse of the PPSR.**

** Relates to a referral that was received in a previous reporting period.