



Enforcement statistics 2018-19

Personal insolvency related (Bankruptcy Act 1966)



936 pre-referral enquiries assessed



76 infringement notices issued



980 alleged offence referrals assessed



112 briefs of evidence forwarded to CDPP



310 official cautions issued



105 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, 936 PREs were assessed. Of these 585 did not require a detailed offence referral.

Alleged offence referrals

980 offence referrals were assessed in the year, of which 744 were accepted for investigation.

Investigations

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

Compliance offences

During the year, 336 compliance investigations were completed. Of these, 157 alleged offenders complied with their obligations after Enforcement intervention.

Complex offences

During the year, 354 complex investigations were completed.

Infringement notices

During the year, 11 infringement notices were issued to registered trustees, with 65 issued to others*.

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

During the year, 13 infringement notices were withdrawn.

Prosecutions

96 persons were prosecuted for a total of 145 charges during the year. Of those charges, 11 were withdrawn, 122 proven with conviction, 4 proven without conviction, 7 were dismissed and 1 not proven.

The dollar value of those charges laid was \$4,664,988.

| Charges per offence | Offence |
|---------------------|--|
| 1 | Breach of recognisance pursuant to section 20(5)(b) |
| 1 | Failure to inform trustee in writing of relevant change pursuant to section 80(1) |
| 1 | Failure to comply with a 139ZL notice (Section 139ZO(1)) |
| 56 | Fail to file statement of affairs (Section 54(1)) |
| 4 | Conceal property of a bankrupt with intent to defraud (Section 263(1)(a)) |
| 1 | Fail to disclose information about property and its value (Section 265(1)(a)) |
| 1 | Fail to comply with a direction by the trustee to deliver property (Section 265(1)(c)) |
| 7 | Fail to disclose information about examinable affairs (Section 265(1)(ca)) |
| 1 | Omit material particular from a statement relating to any of the bankrupt's examinable affairs (Section 265(1)(f)) |
| 10 | Conceal, remove, deal with property during bankruptcy (Section 265(4)(a)) |
| 10 | Conceal, remove, deal with property within 12 months of bankruptcy (Section 265(4)(a) read with 265(7)) |
| 1 | Incur any debt or liability by fraud during bankruptcy (Section 265(5)(b)) |
| 2 | 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)) |
| 2 | Disposes of, or creates a charge on any property during bankruptcy with intent to defraud creditors (Section 266(1)) |
| 9 | Within 12 months before bankruptcy disposes of, or creates a charge on any property with intent to defraud creditors (Section 266(3)) |
| 14 | Make a false declaration (Section 267(2)) |
| 7 | Failure to comply with a Notice (Section 267B(1)) |
| 6 | Obtain credit alone or jointly without disclosing bankruptcy or being party to a debt agreement >\$3,000 (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)) |
| 7 | 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)) |

Significant prosecutions

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

PPSR related (*Personal Property Securities Act 2009*)

During the year, six referrals were assessed for alleged contraventions of civil penalty provisions of the *Personal Property Securities Act 2009*. These referrals were rejected.

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.