

Enforcement statistics

July 2021 to September 2021

Personal insolvency related (*Bankruptcy Act 1966*)



193 alleged offence referrals assessed



10 infringement notices issued



41 official cautions issued



64 briefs of evidence forwarded to CDPP



26 briefs accepted for prosecution by CDPP[#]

[#] Includes a portion of the briefs prepared and referred to the CDPP in the previous financial year.

Offence referrals and investigations

Alleged offence referrals:

193 offence referrals were assessed during the period, of which 96 were accepted for investigation.

Investigations

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

Compliance offences

During the period, 98 compliance investigations were completed.

Complex offences

During the period, 50 complex investigations were completed.

Infringement notices

During the period, one infringement notice was issued to a registered trustee, with 9 issued to others*.

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

During the period, 3 infringement notices were withdrawn.

Prosecutions

19 persons were prosecuted for a total of 19 charges during the period. Of those charges, 9 were proven with conviction, 3 were proven without conviction, 6 were withdrawn and one was dismissed.

Charges per offence	Offence
13	Fail to file statement of affairs (Section 54(1))
1	Fail to provide evidence of income (Section 139U(1))
1	Within 12 months before bankruptcy disposes of, or creates a charge on any property with intent to defraud creditors (Section 266(3))
2	Failure to comply with a Notice (Section 267B(1))
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 been 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.