

**BANKRUPTCY ACT 1966
OFFENCES LIST**

Section	Offence Provision ¹	Committed by					Maximum – either Penalty Units ² or Imprisonment ³
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
54(1)	Fail to file statement of affairs with Official Receiver	■					50 penalty units
54(2)	Fail to file statement of joint affairs with Official Receiver	■					50 penalty units
56F	Fail by non-petitioning Partner to file Statement of Affairs	■					50 penalty units
77AA(3)	Fail to provide all reasonable facilities and assistance by occupier					■	30 penalty units
80(1)	Fail to notify trustee of change of name or address	■					6 months
139U(1)	Fail to provide evidence of income	■					6 months
139ZIE(6)	Fail to comply with requirements of supervised account notice	■					6 months
139ZIEA(6)	Fail to transfer funds from old supervised account into a fresh supervised account	■					6 months
139ZIF(4)	Fail to deposit all monetary income into supervised account	■					12 months
139ZIG(7)	Make unauthorised withdrawal from supervised account	■					12 months
139ZIH(9)	Enter into constructive income receipt arrangement or failure to cease participating in a constructive income receipt arrangement	■					12 months

¹ Note that only summaries of the offences are provided – the full text of the provision will indicate the specific physical and mental elements (if applicable) required to be proven to constitute the particular offence.

² From 1 July 2017 1 Penalty Unit will increase from \$180 to \$210.

³ Sentences of imprisonment may be for a period up to but not exceeding the stated maximum: *Crimes Act 1914* (Cth) s4D.

Section	Offence Provision ¹	Committed by					Maximum – either Penalty Units ² or Imprisonment ³
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
139ZIH(9)	Enter into non-monetary income receipt arrangement if supervised account regime applies	■					12 months
139ZII(7)	Receive income in the form of cash if supervised account regime applies	■					12 months
139ZO(1)	Fail to comply with a section 139ZL notice ⁴					■	6 months
139ZP(1)	Employer dismisses or injures bankrupt					■	6 months
139ZT(1)	Fail to comply with a section 139ZQ notice ⁵					■	6 months
152	Fail to give assistance by discharged bankrupt	■					6 months
185EC(6)	Gives, or agrees or offers to give, valuable consideration to an affected creditor to secure acceptance or non-acceptance of a debt agreement proposal				■		6 months
185HA(2)	Registered debt agreement administrator intentionally or recklessly fails to maintain adequate an appropriate professional indemnity insurance and adequate and appropriate fidelity insurance				■		1000 penalty units
185HA(3)	Registered debt agreement administrator fails to maintain adequate an appropriate professional indemnity insurance and adequate and appropriate fidelity insurance				■		60 penalty units

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	BANKRUPTCY ACT						
185LDA	Fail to pay all monies received under a debt agreement into a single interest-bearing account, or Fail to pay only monies received under a debt agreement into the account, or Fail to pay monies out of the account for the purpose of the administration of a debt				■		50 penalty units
185MC(6)	Gives, or agrees or offers to give, valuable consideration to an affected creditor to secure acceptance or non-acceptance of a proposal to vary a debt agreement				■		6 months
185PC(6)	Gives, or agrees or offers to give, valuable consideration to an affected creditor to secure acceptance or non-acceptance of a proposal to terminate a debt agreement				■		6 months
185ZA	Fail to give written notice to the OR that a DAA has died				■		5 penalty units
189(2)	Fail to comply with directions, supply information or remove property by person subject to 188 authority		■				12 months
246(1A)	Fail to give a copy of the statement of the deceased person's affairs to the Official Receiver					■	25 penalty units
263(1)(a)	Conceal property with intent to defraud					■	5 years

⁴The Notice requires payment to trustee towards the discharge of the bankrupt's liability to make income contributions

⁵The Notice requires payment to the trustee an amount equal to the money or value of the property received as a result of a transaction that is

void.

Section	Offence Provision ¹	Committed by					Maximum – either Penalty Units ² or Imprisonment ³
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
263(1)(b)	Receive property with intent to defraud					■	5 years
263(1)(c)	Place an unauthorised advertisement or an advertisement known to be false with intent to defraud					■	5 years
263(1)(d)	Make false claim, declaration, proof of debt with intent to defraud					■	5 years
263(2)(a)	Knowingly dispose of, receive, conceal property that has been seized					■	1 year
263A(a)	Make false statement in an affidavit upon summary conviction					■	6 months or up to 2 penalty units, or both
263A(b)	Make false statement in an affidavit upon conviction on indictment					■	4 years
263C(1)	Give false or misleading voting documents to Trustee by creditor					■	6 months
264A(1A)	Fail to attend before the Court, etc					■	6 months
264C(1)	Refuse to be sworn or give evidence, etc					■	6 months or 10 penalty units, or both
264D(1)	Prevaricate or evade in the course of an examination					■	6 months or 10 penalty units, or both
264E(1)	Insult or disturb a Registrar conducting an examination					■	6 months or 10 penalty units, or both
265(1)	Fail to disclose information and/or property	■					1 year
265(3)	Make a false representation or commit any fraud	■					5 years
265(4)	Conceal property or debt, omit, alter, or falsify records	■					1 year

Section	Offence Provision ¹	Committed by					Maximum – either Penalty Units ² or Imprisonment ³
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
265(5)(a)	Obtain property by fraud after bankruptcy	■					5 years
265(5)(b)	Incur any debt or liability by fraud	■					5 years
265(7)	Conceal, falsify, alter, obtain property or credit by fraud, before bankruptcy	■					Relating to: 265(4)(a-f) - 1 year 265(5)(a-b) - 5 years
265(8)	Incur debts without having at the time of contracting it any reasonable or provable ground of expectation, after consideration of his/her other liabilities of being able to repay the debt within 2 years prior to bankruptcy	■					1 year
265A	Offences relating to exercise of powers under section 77A, or 130					■	12 months
266(1)	Dispose of, or charge property after bankruptcy	■					5 years
266(3)	Dispose of property with intent to defraud prior to bankruptcy	■					5 years
267(2)	Make false declaration by debtor or bankrupt	■	■				12 months
267B(1)	Fail to provide information 6A(3), 77C(1)(a), 77CA, 139Y					■	12 months
267D(1)	Fail to attend under subsection 77C(1) examination					■	6 months
267F(1)	Refuse to be sworn or give evidence at a subsection 77C(1) examination					■	6 months
267G	Prevaricate or evade in the course of giving evidence at a subsection 77C(1) examination					■	6 months

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		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
268(1)	Give false or misleading answer in relation to deed and compositions		■				1 year
268(2)	Breach debtor's duties under Part X to disclose and deliver property, disclose information, comply with directions, execute documents, and aid trustee		■				1 year
268(3)	Make false representation or commit a fraud by a Part X debtor		■				5 years
268(5)	Fail to fully disclose property		■				1 year
268(7)	Dispose of property, committing fraud, by a person who signs a 188 authority within 12 months previous		■				1 year
269(1)(a),(aa)	Obtain credit or issue cheques or bill of exchange alone or jointly without disclosing bankruptcy or being a party to a debt agreement >\$3,000 by Bankrupt or debtor under Part IX	■	■				3 years
269(1)(ab)(ac)	Obtain goods or services or enter into a hire purchase/lease agreement alone or jointly without disclosing bankruptcy or being a party to a debt agreement >\$3,000 by Bankrupt or debtor under Part IX	■	■				3 years

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	BANKRUPTCY ACT						
269(1)(ad)	Promise either alone or jointly to supply goods or services >\$3,000 without disclosing bankruptcy or being a party to a debt agreement by Bankrupt or debtor under Part IX	■	■				3 years
269(1)(b)	Carry on business under an assumed name, partnership, business name, without disclosing to everyone the bankruptcy or being a party to a debt agreement >\$3,000 By Bankrupt or debtor under Part IX	■	■				3 years
270	Fail to keep proper books of account	■	■				1 year; or 3 years (for previous bankrupt or debtor)
271	Gamble or make hazardous speculations	■					1 year
272(1)(a) &(b)	Leave Australia with intent to defeat creditors etc	■					5 years
272(1)(c)	Leave Australia without consent in writing of trustee	■					3 years
272(3)	Contravene any conditions imposed by trustee in leaving Australia	■					1 year
276	Trustee acts under PIA known to be set aside or terminated			■			Fine up to \$20 each day that he/she acted as trustee
277A(4)	Fail to keep books in respect of period of bankruptcy	■				■	6 months
20-80	False representation that a person is a registered trustee					■	30 penalty units
25-1(3)	Registered trustee intentionally or recklessly fails to maintain adequate insurance			■			1,000 penalty units
25-1(4)	Registered trustee fails to maintain adequate insurance			■			60 penalty units

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		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
35-1(2)	Registered trustee intentionally or recklessly fails to lodge a notice of significant events with the Inspector-General			■			100 penalty units
50-35(1)	Member of a committee uses or discloses information or a document					■	50 penalty units
60-20(6)	Registered trustee directly or indirectly derives profit or advantage from the administration of an estate			■			50 penalty units
60-21(2)	Registered trustee gives valuable consideration to another person with the intention to secure appointment or nomination as trustee of an estate, or to secure or prevent the appointment of another trustee			■			6 months
60-26(3)	Registered trustee receiving remuneration for his or her services allows in his/her accounts a payment to a third party in respect of the performance of the ordinary duties of the trustee under the Act, without authorisation by the creditors or a committee of inspection			■			50 penalty units
65-5(3)	Registered trustee fails to pay money received on behalf of, or in relation to the estate into the administration account within 5 business days after receipt			■			50 penalty units

Section	Offence Provision ¹	Committed by					Maximum – either Penalty Units ² or Imprisonment ³
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
65-15(3)	Registered trustee pays money not received on behalf of, or in relation to the estate into the administration account			■			50 penalty units
65-25(2)	Registered trustee pays money out of the administration account otherwise than for the purposes related to the administration of the estate or in accordance with the Act or in accordance with a direction of the court.			■			50 penalty units
70-30(7)	Former trustee intentionally or recklessly fails to transfer books relating to the administration of an estate to the new trustee within 10 business days or within an agreed period after the new trustee is appointed or the new trustee intentionally or recklessly fails to take possession or accept control of the books or fails to allow the former trustee to inspect them or take copies			■			50 penalty units
70-35(5)	Trustee intentionally or recklessly fails to retain books that relate to the administration of an estate for 7 years from the end of the administration			■			50 penalty units
70-85(2)	The IG may, by notice in writing, impose conditions on a person or persons, on the use and disclosure of the relevant material. A person commits an offence if they do not comply with the condition.					■	10 penalty units or imprisonment for 3 months, or both.

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		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
80-55(7)	Member of committee of inspection directly or indirectly derives profit or advantage from administration of estate – exceptions apply: see 80-55(3)-(6)					■	50 penalty units
80-60(6)	Creditor appointing person to committee of inspection directly or indirectly becomes purchaser of any part of the estate – exceptions apply: see 80-60(3), (5)					■	50 penalty units

Section	Offence Provision ¹	Committed by					Maximum – either Penalty Units ² or Imprisonment ³
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
	INFRINGEMENT NOTICE SCHEME						
52(1A) (277B Item 1)	Creditor who obtains sequestration order must give copy to Official Receiver					■	5 penalty units (IN 1 penalty unit)
73(1A) (277B Item 2)	Trustee must give copy of proposal or scheme of arrangement received to Official Receiver			■			5 penalty units (IN 1 penalty unit)
74(5A) (277B Item 3)	Trustee must give written notice of annulment to Official Receiver setting out details etc			■			5 penalty units (IN 1 penalty unit)
153A(2) (277B Item 4)	Trustee of a bankrupt estate annulled under section 153A must give written certificate to Official Receiver setting out details etc			■			5 penalty units (IN 1 penalty unit)
153B(3) (277B Item 5)	Trustee of a bankrupt estate annulled by Court under section 153B must give written certificate to Official Receiver setting out details etc			■			5 penalty units (IN 1 penalty unit)
185C(4D) (277B Item 6)	Debt agreement administrator must make reasonable inquiries about or take reasonable steps to verify the debtor's financial				■		60 penalty units (IN 12 penalty units)
185LE(1A) (277B Item 7)	Fail to keep accounts, books and records, or Fail to make those accounts, books and records available for inspection to the IG when required to do so				■		5 penalty units (IN 1 penalty unit)

Section	Offence Provision ¹	Committed by					Maximum – either Penalty Units ² or Imprisonment ³
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
185LEA(1) (277B Item 12)	Debt agreement administrator must give a return to Inspector-General relating to administrations during financial year				■		5 penalty units (IN 1 penalty unit)
185ZA(1) (277B Item 13)	Person administering deceased estate must give written notice of debt agreement administrator's death to Inspector-General					■	5 penalty units (IN 1 penalty unit)
186N(1) (277B Item 14)	Debt agreement administrator who surrenders their registration must return certificate to Inspector-General				■		5 penalty units (IN 1 penalty unit)
186N(3) (277B Item 15)	Individual debt agreement administrator whose registration is cancelled under section 186K must return certificate to Inspector-General				■		5 penalty units (IN 1 penalty unit)
186N(5) (277B Item 16)	Company debt agreement administrator whose registration is cancelled under section 186L must return certificate to Inspector-General				■		5 penalty units (IN 1 penalty unit)
186N(6A) (277B Item 17)	Debt agreement administrator whose registration is cancelled by a Court must return certificate to Inspector-General				■		5 penalty units (IN 1 penalty unit)
218(2) (277B Item 18)	Trustee of a personal insolvency agreement must file copy of agreement executed by debtor and trustee with Official Receiver			■			5 penalty units (IN 1 penalty unit)

Section	Offence Provision ¹	Committed by					Maximum – either Penalty Units ² or Imprisonment ³
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
224A(1) (277B Item 19)	Trustee of a personal insolvency agreement must file copy of resolution (or special resolution) of termination or variation with Official Receiver			■			5 penalty units (IN 1 penalty unit)
224A(2) (277B Item 20)	Trustee of a personal insolvency agreement must file copy variation under section 221A(5) with Official Receiver			■			5 penalty units (IN 1 penalty unit)
224A(3) (277B Item 21)	Trustee of a personal insolvency agreement must give written notice of termination by any event under the deed to Official Receiver			■			5 penalty units (IN 1 penalty unit)
224A(4) (277B Item 22)	Trustee of a personal insolvency agreement must give written notice of setting aside or termination by Court to Official Receiver			■			5 penalty units (IN 1 penalty unit)
224A(5) (277B Item 23)	Trustee of a personal insolvency agreement must give written notice of setting aside or termination by Court (or otherwise) to creditors			■			5 penalty units (IN 1 penalty unit)
244(14) (277B Item 24)	Creditor who obtains Court order that a deceased estate be administered under Part XI must give copy to Official Receiver					■	5 penalty units (IN 1 penalty unit)
245(3) (277B Item 25)	Creditor who obtains a Court order that a person who dies before a sequestration order is made be administered under Part XI must give copy to Official Receiver					■	5 penalty units (IN 1 penalty unit)

Section	Offence Provision ¹	Committed by					Maximum – either Penalty Units ² or Imprisonment ³
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
246(1) (277B Item 26)	Legal personal representative of a deceased person in bankruptcy under section 244 or 245 must make out and file statement of affairs with Official Receiver					■	25 penalty units (IN 5 penalty units)
247(3) (277B Item 27)	Person administering a deceased estate who obtains Court order under subsection 247(1) must give copy to Official Receiver					■	5 penalty units (IN 1 penalty unit)
252A(2) (277B Item 28)	Trustee of the estate of deceased person must give written certificate of annulment to Official Receiver setting out details etc			■			5 penalty units (IN 1 penalty unit)
30-1(5) (277B Item 29)	Registered trustee fails to lodge an annual trustee return with the Inspector-General			■			5 penalty units (IN 1 penalty unit)
35-5(2) (277B Item 30)	Registered trustee intentionally or recklessly fails to lodge a notice of other events with the Inspector-General			■			5 penalty units (IN 1 penalty unit)
65-40(3) (277B Item 31)	Registered trustee fails to deposit in a bank, bills of exchange, promissory notes and other negotiable instruments or securities as soon as practicable after they are received			■			5 penalty units (IN 1 penalty unit)

Section	Offence Provision ¹	Committed by					Maximum – either Penalty Units ² or Imprisonment ³
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY ACT						
70-10(4) (277B Item 32)	Trustee fails to keep proper books relating to an administration or fails to permit inspection of the books by a creditor or another person acting on the creditor's behalf			■			5 penalty units (IN 1 penalty unit)
70-11(2) (277B Item 33)	Trustee fails to keep books in relation to a business previously carried on by the regulated debtor or fails to permit inspection of the books by a creditor or another person acting on the creditor's behalf			■			5 penalty units (IN 1 penalty unit)
70-25(4) (277B Item 34)	Trustee fails to give books, information and assistance to an auditor			■			5 penalty units (IN 1 penalty unit)

**BANKRUPTCY REGULATIONS 1996
OFFENCES LIST**

Regulation	Offence Provision	Committed by					Maximum Penalty
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	BANKRUPTCY REGULATIONS						
6.18	Fail to give notice of any change in particulars in writing to the trustee by discharged bankrupt who remains liable to pay contributions	■					10 penalty units
6.20(1)	Fail to advise the trustee by employer in writing within 21 days of the bankrupt's cessation of employment (where employer received a section 139ZL notice)					■	2 penalty units
6.20(2)	Fail to advise the trustee in writing of the full employment details within 21 days of starting employment	■					2 penalty units
7.01	Fail to inform the Official Receiver within 7 days of becoming aware that a bankrupt has returned to Australia where trustee has lodged an objection to discharge under paragraph 149D(1)(a) or (h)			■			1 penalty unit
7.02	Fail to inform the Official Receiver within 7 days of a variation or cancellation of an objection to discharge made by AAT			■			1 penalty unit
8.50(4)	Failure of registered trustee to notify the Official Receiver of his/her removal by the Court or by the creditors			■			
8.55(3)	Failure of registered trustee to notify the Official Receiver of the finalisation of an administration within 5 working days			■			1 penalty unit
10.06	Fail to give the Official Receiver a copy of the resolution and particulars within 7 days (after a meeting called under section 188) by Controlling trustee			■			1 penalty unit

Regulation	Offence Provision	Committed by					Maximum Penalty
		Bankrupt	Debtor	Trustee	RDAA	Other	
	BANKRUPTCY REGULATIONS						
10.11(4)	Fail to give the Official Receiver a copy of a Sequestration Order or an order terminating or setting aside a PIA by the applicant (excluding Official Trustee, the Inspector General or someone authorised by the Inspector General) within 2 days			■		■	1 penalty unit
10.12(1)	Fail to immediately give written notice of the termination to the Official Receiver if a PIA is terminated in accordance with section 222A			■			1 penalty unit
10.14(4)	Fail to give to the Official Receiver a copy of the certificate given to the debtor (showing that the divisible property has been realised and no dividend is payable to creditors within 7 days of giving the certificate)			■			1 penalty unit
12.01(3)	Fail to give a copy of the statement to the Official Receiver within 7 days where a trustee pays moneys under subsection 254(2) or 254(2A) to the Commonwealth and gives to the officer to whom the moneys are paid a statement containing the relevant details			■			1 penalty unit

From 1 July 2017 1 Penalty Unit will increase from \$180 to \$210.

**INSOLVENCY PRACTICE RULES (BANKRUPTCY)
OFFENCES LIST**

Section	Offence Provision	Committed by					Maximum – either Penalty Units ² or Imprisonment ³
		Bankrupt	Debtor	Trustee	RDAAs	Other	
	INSOLVENCY PRACTICE RULES						
90-85(2)	If the court makes an order under subsection 90-35(5) of the IPS that a former trustee be reappointed as trustee of the debtors estate the former trustee must notify the Official Receiver of the reappointment within 2 business days of the order being made.			■			1 penalty unit

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