



Australian Government

Australian Financial Security Authority

Privacy

The information you are required to provide on this form is collected under, and for the purposes of, the *Bankruptcy Act 1966* or related legislation. The Australian Financial Security Authority has a privacy policy at www.afsa.gov.au/privacy that provides information regarding the collection, storage, use and disclosure of personal information, including how you may: (i) access your personal information; (ii) seek to have that information corrected; and (iii) complain if you feel your privacy has been breached, along with information on how your complaint will be dealt with.

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Application for review of income

Please complete this form if you would like to request a review of the assessment of your liability for income contributions. If a review is to be conducted, based on your application, the application must be made within 60 days of you receiving the notice of income assessment. For general information about the *Bankruptcy Act 1966*, please visit our website: www.afsa.gov.au or telephone our information service on 1300 364 785.

Note: Please read the factsheet: *Can I Appeal? Review and appeal of trustee and administrator decisions*.

Administration Details		
Bankrupt's name		
Title	Given Name/s	Surname
Administration Number		Date of Administration (DD/MM/YYYY)
Postal Address		Postcode
Contact Number	Email Address	

Trustee Details		
Trustee name		
Title	Given Name/s	Surname
Name of Organisation		
Postal Address		Postcode
Contact Number	Email Address	

Details of your review request	
<p>1. Which income contribution assessment(s) would you like us to review? Please specify the contribution assessment period(s) below and attach a copy of the assessment(s).</p> <div style="border: 1px solid black; height: 60px; width: 100%;"></div>	
<p>2. On what date did you receive the assessment(s)? (DD/MM/YY)</p>	
<p>3. Do you consent to us disclosing the contents of this request and any documents that you have provided, to the Trustee concerned? yes no</p>	
<p>If there are any documents which you would not like the Trustee to have, at this stage, please indicate which ones. Please list the relevant documents overleaf or mark them as "Confidential".</p>	

Note: If this matter proceeds to the Administrative Appeals Tribunal any relevant documents will most likely become available to the Trustee.

4. Why do you believe the income contribution assessment(s) of the Trustee is wrong with regards to income (including benefits), tax and Medicare? Please attach documents to evidence your explanation.

Documents

If you have documents that you think are relevant to your application please attach a copy. Do not send the original documents. A copy of the notice of income assessment must be attached.

What will happen now?

We will acknowledge your request seeking a review, usually within 5 working days. We may need to ask you for more information and will usually ask for that in writing.

It is the usual practice of the Inspector General to review an income contribution assessment at the request of a bankrupt provided such requests are received within 60 days after the day on which the bankrupt is notified of the trustee's assessment.

A review of the trustee's decision is conducted within a framework prescribed by the *Bankruptcy Act 1966* ('the Act') and with the guidance of case law (for example decisions by the Federal Court and Administrative Appeals Tribunal). This means that no matter how great the delegate's sympathy for your personal circumstances a decision to conduct the review and the review itself, if undertaken, addresses certain prescribed issues. Basing the decision on other considerations could well result in a successful challenge by the trustee if so minded but in any case it would be a failure to diligently and faithfully perform an official duty.

A review is not an automatic decision to set the income assessment aside. Put simply, it is an administrative process to decide if the trustee has made a lawful decision based on evidence. To commence that process the delegate must decide a request has been made before the prescribed time and that there are reasons justifying the review. The delegate then has 60 days from receipt of your request to make a decision.

Whatever the decision by the delegate might be, a comprehensive written explanation will be provided and, if required; further avenues of appeal will be explained.

The Act also provides:

Section 139ZA - Internal review of assessment

- (1) The Inspector General may review a decision of a trustee to make an assessment:
 - (a) on the Inspector General's own initiative; or
 - (b) if requested to do so by the bankrupt for reasons that appear to the Inspector General to be sufficient to justify such a review.
- (2) The Inspector General must review such a decision if requested to do so by the Ombudsman.
- (3) A request by the bankrupt to the Inspector General for the review of such a decision must:
 - (a) be in writing and given to the Inspector-General not later than 60 days after the day on which the bankrupt is notified of the trustee's assessment; and
 - (b) be accompanied by:
 - (i) a copy of the notice of assessment; and
 - (ii) any documents on which the bankrupt relies in support of the request.
- (4) Within 60 days after the request is lodged, the Inspector General must:
 - (a) decide whether to review the decision; and
 - (b) if the Inspector General decides to review the decision--make his or her decision on the review.

Section 139ZF- Review of assessment decisions

An application may be made to the Administrative Appeals Tribunal for the review of:

- (a) a decision of the Inspector General on the review of a decision by a trustee to make an assessment; or
- (b) a decision by the Inspector General refusing a request to review a decision by a trustee to make an assessment.

Return this form with attached documents to:

Email: regulation@afsa.gov.au

Post: Queensland and Northern Territory: PO Box 10443, Adelaide Street, BRISBANE QLD 4000

New South Wales and ACT: GPO Box 548, SYDNEY NSW 2001

Victoria, Tasmania and South Australia: GPO Box 2851, MELBOURNE VIC 3001

Phone: Enquiries via the National Service Centre on 1300 364 785