



DEBTOR'S PETITION INSTRUCTIONS AND FORM

June 2014

Instructions on how to complete the debtor's petition form

1. Use blue or black pen
2. Complete all relevant sections of the form.
3. Please provide proof of identity – the Official Receiver will not accept your petition for bankruptcy unless you provide sufficient information to enable us to confirm your identity. Details from two (2) types of identification outlined in the table below are required. The identification must be current (forms of identification that have expired are not acceptable).

In the form, you must list in column A the type of identification you are relying on eg driver's licence, passport etc. In column B, write your name as it appears on the form of identification provided, and in column C the licence, membership, customer or document number associated with the form of identification eg the passport or driver's licence number.

Acceptable forms of identification

Australian driver licence	Current state or territory issued driver licence, learner permit or provisional licence showing your name, signature and/or photo
Medicare card	Current Medicare card showing your name
Australian birth certificate	Australian birth certificate, birth certificate extract or birth card in your name/former name
Australian passport	Current Australian passport in your name/former name. Expired passports are not acceptable
Citizenship certificate	Australian citizenship certificate in your name/former name
Defence force identity card	Issued by the Australian Defence Force, showing the same name as in your petition and photo or signature
Passport issued outside Australia	Current passport issued by a country other than Australia, with a valid entry stamp or visa
Student identification card	Current student ID card issued in your name with signature and/or photo (school, TAFE, university, registered training organisation)
Proof of age card	Current proof of age photo identity card issued by a government agency in your name with photo and/or signature.

Please note: while identification information is required for acceptance of your petition, you are NOT required to attach copies of the acceptable forms of identification with your petition.

Knowingly providing false and/or misleading information is an offence under the Bankruptcy Act and penalties apply upon conviction. Your period of bankruptcy can be extended in certain circumstances.

Information and assistance

If you do not understand a particular question or require further information about bankruptcy or other alternatives, please contact AFSA on 1300 364 785. AFSA cannot give you advice on whether bankruptcy is suitable for your individual circumstances.

If you do not speak English, the Translating and Interpreting Service is available for the cost of a local call from anywhere in Australia by phoning 131 450.

How your information is used

The information you provide on these forms is collected under, and for the purposes of, the Bankruptcy Act.

1. A copy of these forms will be provided to the trustee of your estate, who will use the information in them to administer your estate.
2. The information you provide (except Part A of the statement of affairs) is available for public inspection.
3. The information may be used for the purpose of investigating offences committed under the Bankruptcy Act or other legislation.
4. Some of the information will be recorded on the National Personal Insolvency Index (NPII) which is a public record. It records personal information including the type of administration, your name (including previous names and aliases), your address, date of birth and occupation. Credit rating organisations have access to the NPII, therefore presenting a debtor's petition is likely to affect your ability to obtain credit. The Inspector-General is also permitted to enter into arrangements to provide NPII information to other third parties.

Can my application for bankruptcy be rejected?

Yes it can, if:

1. you have not provided appropriate proof of identity details; or
2. the Official Receiver believes that you can pay all your debts within a reasonable time AND either:
 - you have previously been bankrupt three (3) or more times, or once in the last five (5) years, or
 - you are unwilling to pay one or more creditor, or creditors in general

If you are dissatisfied with the Official Receiver's decision not to accept your debtor's petition you may appeal the decision to the Administrative Appeals Tribunal (AAT).

Applications by physically incapacitated persons and/or persons unable to read

If an applicant is unable to read, is insufficiently familiar with the English language or is unable to sign/complete the form due to a physical incapacity, another person may complete the form if:

1. where the applicant is blind, partially sighted, illiterate or partially literate – the person has read the forms and the prescribed information to the applicant
2. where the applicant is insufficiently familiar with the English language – the person has interpreted the relevant information to the applicant in a language with which the applicant and this other person are both familiar
3. where the applicant is unable to sign due to a physical incapacity – the person believes that the applicant has read and understood the forms and prescribed information.

The person assisting must state the reason/s why the applicant required assistance and must sign in the panel provided on the debtors petition form and the panel provided at the end of the statement of affairs form.

Applications by mentally incapacitated persons

Where a guardian or administrator is appointed under relevant state/territory legislation to manage the financial affairs of mentally incapacitated persons, the appointed guardian or administrator must obtain a specific order from the relevant court/tribunal authorising the application on behalf of the mentally incapacitated applicant.

A specific order from the relevant court/tribunal is not required for presentation of the application by a guardian/administrator for appointments under the Protected Estates Act 1983 (NSW) and the Guardianship and Administration Act 1990 (WA) as the legislation itself provides sufficient authority to the guardian/administrator of the applicant.

Note: An application may not be presented on behalf of a mentally incapacitated debtor by the holder of a power of attorney granted by that debtor.