



Australian Government

Australian Financial Security Authority

## OFFICIAL RECEIVER PRACTICE STATEMENT 8

# THE NATIONAL PERSONAL INSOLVENCY INDEX

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If you have any comments, suggestions or queries about an issue referred to in this practice statement, please contact the National Manager, Insolvency and Trustee Services, at [registry@afsa.gov.au](mailto:registry@afsa.gov.au).

## CONTENTS

1.	WHAT IS THE NATIONAL PERSONAL INSOLVENCY INDEX? .....	3
2.	THE PURPOSE OF THE NPII.....	3
3.	WHAT IS RECORDED ON THE NPII? .....	3
	Type of administration or proceeding .....	4
	Personal information about a debtor .....	4
	Aliases.....	4
	Trustee or administrator .....	5
4.	SUPPRESSING PERSONAL INFORMATION .....	5
	Witness protection.....	6
5.	INTEGRITY OF NPII INFORMATION .....	6
6.	CORRECTING NPII INFORMATION .....	7
7.	REMOVING NPII RECORDS .....	7
8.	ACCESS TO THE NPII.....	7
	Public searches .....	8
	Access for law enforcement purposes.....	8
	Access for approved organisations to subsets of information.....	8
9.	FURTHER INFORMATION .....	9
	ANNEXURE A – INSPECTOR-GENERAL’S DISCRETION TO PROVIDE A SUBSET OF NPII INFORMATION.....	10
	ANNEXURE B – TABLE OF DOCUMENTS FILED THAT AFFECT THE NPII.....	13

## 1. WHAT IS THE NATIONAL PERSONAL INSOLVENCY INDEX?

- 1.1. The National Personal Insolvency Index (“NPII”) is a publicly available and permanent electronic record of all personal insolvency proceedings in Australia.
- 1.2. The Inspector-General in Bankruptcy has had the statutory responsibility for the operation of the index since December 1996. Prior to December 1996, the records were kept by the Federal Registrar in Bankruptcy (an office of the Federal Court).
- 1.3. The Official Receiver<sup>1</sup> has a statutory responsibility to maintain the NPII on behalf of the Inspector-General.

## 2. THE PURPOSE OF THE NPII

- 2.1. The purpose of the NPII is to provide publicly available information regarding the insolvency status of individuals.

## 3. WHAT IS RECORDED ON THE NPII?

- 3.1. Information entered on the NPII is prescribed by regulation 13.03 and Schedule 8 to the [Bankruptcy Regulations 1996](#). The information is sourced from documents that are lodged or filed with the Official Receiver or Inspector-General.
- 3.2. Information recorded on the NPII includes:
  - the name and other personal information that identifies a debtor or bankrupt
  - the type of administration or proceeding
  - the trustee, administrator or controlling trustee of the administration or proceeding
  - the petitioning creditor and/or creditor’s solicitor (where a creditor’s petition is registered)
  - the date an administration or proceeding started
  - the current status of the administration or proceeding, for example whether a person has been discharged from a bankruptcy.
- 3.3. Some documents or information given to the Official Receiver may require assessment or verification before the relevant information can be entered on the NPII.

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<sup>1</sup> A reference to the Official Receiver in this paper also refers to a delegate of the Official Receiver

- 3.4. Information is generally entered on the NPII on the same day that the originating document is accepted as complete by the Official Receiver or the information has been verified.
- 3.5. A comprehensive table of events that are recorded on the NPII, the source documents used and the assessments performed are shown at [Annexure B](#).

### Type of administration or proceeding

- 3.6. Entry of information on the NPII will always be connected with an administration or proceeding under the [Bankruptcy Act 1966](#) (“the Act”).
- 3.7. The following are the types of matters recorded on the NPII:
  - creditors’ petitions
  - bankruptcies
  - debt agreement proposals, where the proposals are accepted for processing
  - debt agreements
  - section 188 authorities (personal insolvency agreement proposals)
  - personal insolvency agreements
  - Part XI administration orders (bankrupt deceased estates)
  - section 50 orders (pre-bankruptcy property control orders).

### Personal information about a debtor

- 3.8. Personal information regarding any person who is subject to an administration or proceeding under the Act is entered onto the NPII. That information is:
  - name (family and given names)
  - date of birth (if known)
  - aliases (if any)
  - residential address at date of lodgement of documents (if known)
  - occupation (if known).
- 3.9. All personal information registered on the NPII is expected to match the information written on the source document - for example, if a person misspells their name on the document – for example, “Micheal” instead of “Michael”, that is how it may appear on the NPII.
- 3.10. Personal information including address and occupation is not changed once it is registered on the NPII. Although the Act requires changes of name and address that occur during the course of an administration to be advised in writing to the trustee, a change of address information does not appear on the NPII.

### Aliases

- 3.11. If the Official Receiver is advised of a change in a person’s name and

evidence is provided to support this, the new name is registered as an alias and appears on the NPII as such. For example, a change of name evidenced by a copy of a marriage certificate or certificate of change of name by deed poll will be recorded as an alias.

- 3.12. An alias can also be registered where it is established that the person is known or has been known by other names.
- 3.13. Establishment of an alias can occur by:
  - the debtor stating in writing that they are known, or have been known, by another name or names – for example, disclosure on the statement of affairs or written advice during bankruptcy of a change of name by marriage or deed poll
  - evidence from a creditor or another person. A creditor or another person must provide a document that clearly shows that the debtor is known by another name and that the debtor and the other name are one and same person – for example, a loan document or other application where the debtor has revealed that they are known by another name
  - a written statement from the trustee or administrator that, based on their investigation, they have determined that the debtor is also known by another name.

### **Trustee or administrator**

- 3.14. Every administration recorded on the NPII has a trustee or administrator whose contact details appear against the administration. The details include type of trustee or administrator, their name, business name, business address and business phone number.
- 3.15. Where a creditor's petition is recorded, the contact details of the solicitor or agent acting for the creditor and/or the creditor's contact details appear.
- 3.16. A trustee or administrator can be changed during an administration. Where this occurs the NPII is updated from documents filed with the Official Receiver.
- 3.17. A record is maintained on the NPII of all persons who are or have applied to be registered as trustees or debt agreement administrators.
- 3.18. Details regarding the registration and regulation of trustees and debt agreement administrators can be found on AFSA's website in the [Practitioners](#) section.

## **4. SUPPRESSING PERSONAL INFORMATION**

- 4.1. If a debtor or bankrupt believes that publishing their address on the NPII may jeopardise their safety, they may apply to have their address suppressed. An

- application to have information suppressed must be made in writing to the [Inspector-General](#) and must be accompanied by supporting documents.
- 4.2. A person's name, date of birth and details of the administration or proceeding cannot be suppressed.
  - 4.3. Examples of documents that will assist in the assessment of an application include:
    - a domestic violence order, apprehended violence order or similar type of order
    - a police report regarding threats of personal violence
    - a report from a social worker, medical practitioner, psychiatrist or other relevant practitioner.
  - 4.4. Decisions to suppress information are usually made by the Inspector-General or a delegated officer. Each application must be considered without delay and a decision is usually made within one day of receipt of the necessary information.
  - 4.5. Each application is considered on its merits and the debtor or bankrupt is notified in writing of the decision. Should the debtor or bankrupt be unhappy with the decision made, there is a right of appeal to the Administrative Appeals Tribunal.
  - 4.6. Any decision made to suppress an address affects only the information displayed on the NPII from the date of the decision and into the future. Information that was accessed on the NPII prior to the decision to suppress will not be affected.

### **Witness protection**

- 4.7. Where a person who is placed on a witness protection program is or becomes subject to an administration or proceeding under the Act, any name (including a change of name), alias or address which could identify that person will not be published on the NPII, on the acceptance of a request made to the Inspector-General.
- 4.8. A request to withhold identifying information from the NPII is made by the relevant police department and is dealt with by the Official Receiver.

## **5. INTEGRITY OF NPII INFORMATION**

- 5.1. Name and date of birth information entered is expected to match the information supplied on the relevant source documents. Registration of information that affects the NPII is entered the same day the documents are accepted for filing by the Official Receiver.

## 6. CORRECTING NPII INFORMATION

- 6.1. Any records that are found to be inaccurate, misleading or duplicated should immediately be brought to the attention of the [Official Receiver](#). Changes to registered NPII information can be made only with the authorisation of the Official Receiver and are made as a matter of high priority.
- 6.2. The NPII contains records that date back to 1928. There may be some records that are incomplete as the relevant source documents may not be available (in particular, records prior to December 1996).

## 7. REMOVING NPII RECORDS

- 7.1. Entries on the NPII are not removed except under the following circumstances:
  - the Federal Court or Federal Circuit Court directs removal of a particular entry from the NPII – for example, when a sequestration order is set aside
  - information regarding debt agreements and debt agreement proposals are removed from the NPII after the prescribed length of time pursuant to Bankruptcy Regulations 13.05A and 13.05B
  - it is established by the Official Receiver that the entry was based on a forged process – for example, a debtor’s petition for bankruptcy was falsely lodged by a person claiming to be the debtor
  - an administrative oversight has occurred when processing a document.
- 7.2. Where an annulment of a bankruptcy is made for any reason, the NPII record is not removed; rather, the record is updated to reflect the fact that the bankruptcy has been annulled.

## 8. ACCESS TO THE NPII

- 8.1. Any person can, for a fee, gain access to the information recorded on the NPII.
- 8.2. An extract from the NPII can be used to prove whether or not a person is subject to an administration or proceeding under the Act.<sup>2</sup>
- 8.3. The types of NPII extracts that may be purchased are:
  - an extract for a single matching name. The extract will display details of the person, the proceeding or administration and the trustee, administrator or other contact

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<sup>2</sup> Pursuant to [Bankruptcy Regulations](#) 13.07 and 13.10

- where a search of the NPII results in no matching record, an extract may be purchased that will state that no matching record was found
- where a search finds two or more matches or close name matches, a Search Result Summary may be purchased to assist with selection of the exact record that is being sought. The Search Result Summary will display summary data of up to 50 matches and/or near matches to the search criteria.

## Public searches

8.4. Public searches of the NPII are available through the [Bankruptcy Register Search](#). This is an online service available 24 hours a day, seven days a week. AFSA operates this service on a cost recovery basis under Australian Government policy. Information about search fees and methods of payment can be found on AFSA's website.

## Access for law enforcement purposes

- 8.5. Searches for law enforcement purposes by Australian, State or Territory government agencies may be requested through AFSA by emailing the [Official Receiver](#). A fee exemption may apply.
- 8.6. Searches for enforcement purposes are defined as those relating to a prosecution or proposed prosecution.
- 8.7. The search fee will not be waived where the NPII search is not related to a law enforcement purpose – for example, when a search forms part of an agency's security clearance for recruitment or licensing purposes, this will attract a fee.
- 8.8. For each enforcement search conducted, the agency must certify that the search is being made for a specific enforcement purpose.

## Access for approved organisations to subsets of information

- 8.9. The Inspector-General may authorise the electronic provision of subsets of NPII information to approved organisations on a periodic or ad hoc basis.
- 8.10. Principles guiding the provision of NPII information in this manner are contained in the document attached at [Annexure A – Inspector-General's discretion to provide a subset of NPII information](#).
- 8.11. An application for access is to be made by an organisation in writing and must be directed to the [Inspector-General](#).
- 8.12. Fees for access to the NPII by approved organisations through AFSA are available on request.

## 9. FURTHER INFORMATION

- NPII information on AFSA's [website](#)
- Bankruptcy Register Search information on AFSA's [website](#)
- [Bankruptcy \(Fees and Remuneration\) Determination 2015](#)

## ANNEXURE A – INSPECTOR-GENERAL’S DISCRETION TO PROVIDE A SUBSET OF NPII INFORMATION

The purpose of this direction is to explain the circumstances in which the Inspector-General will provide bulk NPII information under clause 2.03 of the [Bankruptcy \(Fees and Remuneration\) Determination 2015](#).

The issues covered are:

- who is entitled to receive this information
- what information they are entitled to receive
- how the information will be provided
- what conditions will be imposed on the recipient’s use of the information.

### Who is entitled to a subset of NPII information?

The Inspector-General will make decisions on whether to enter an agreement with the corporation, entity, government department or agency under section 2.03 by reference to the principles outlined below. These principles reflect the overall purpose of the NPII which is to provide notification of bankruptcy information to the public at large.<sup>3</sup> This public notification is important for a number of reasons including:

- eligibility to hold public office in certain circumstances
- enabling people to know whether a person they are dealing with (or contemplating dealing with) commercially is an undischarged bankrupt or subject to some other formal personal insolvency administration
- providing information to credit providers about a person’s credit-worthiness
- informing regulatory agencies or professional bodies about a person’s bankruptcy status where this is relevant to their ability to be employed or licensed in certain professions.

As the NPII is a public register, access to a subset of information is not restricted to creditors or other people having a direct relationship or contact with specific bankrupts or debtors. Any person is entitled to access NPII information as defined in Schedule 8 to the Bankruptcy Regulations.

Some common examples of people who would be entitled to a subset of NPII information are:

- major creditors wanting to confirm that they have been correctly identified by debtors and bankrupts

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<sup>3</sup> The Explanatory Memorandum to the Bankruptcy Legislation Amendment Bill 1996 (which created the NPII) stated that the index “enables persons entering into substantial transactions to determine whether the person with whom they are dealing is an undischarged bankrupt or is subject to the control of a registered trustee under a Part X administration.” This appears to be an incomplete statement of the purpose of the NPII and does not reflect the scope of the information which is actually recorded

- credit reporting agencies
- potential credit providers
- government agencies (such as the Australian Securities and Investments Commission) with an enforcement role which relies on information about people subject to personal insolvency administrations
- professional bodies wanting up to date information about the personal insolvency status of people for employment and licensing purposes.

## What information will be provided?

The Inspector-General will provide any or all (as requested) information contained in the NPII. This will include:

- the name and address of the debtor or bankrupt
- the type of administration (or other event such as giving a debt agreement proposal)
- whether an objection to discharge has been lodged
- discharge details
- the name of the trustee or administrator.

This direction does not cover information which is not included on the NPII. Other requests for information held by AFSA which is not publicly available will be considered on their merits and in line with the Australian Privacy Principles in the [Privacy Act 1988](#).

The Inspector-General is entitled to refuse to provide information contained in the NPII where the Inspector-General forms the view that the information will be used to harass, cause embarrassment or cause a nuisance to another person. The Inspector-General will refuse to provide access where the Inspector-General forms the view that providing the information may present a risk to an individual's personal safety.

## How will the information be provided?

The information will, as far as possible taking into account AFSA's IT capabilities, be provided in a form which meets the needs of the person requesting it. This will include access to new NPII data in bulk on a periodic basis.

The fee payable for providing this information is in accordance with clause 2.03 of the [Bankruptcy \(Fees and Remuneration\) Determination 2015](#).

## Conditions on use of the information

The Inspector-General will provide information under clause 2.03 on the condition that, if the information is provided to a third party, the Inspector-General does not warrant that the information in possession of that third party is accurate.

Where a person is receiving regular information under item 2.03, the Inspector-General will require that the person receives complete information about all debtors and bankrupts including updated information where circumstances change – for example, where an objection to discharge is lodged after the first record about a person is given, or a bankruptcy is annulled. This will ensure that the person using the information always has accurate and current information and cannot be misled by having outdated information. This condition will not apply to a person obtaining a subset of information on a “one-off” basis – for example, for research purposes.

## ANNEXURE B – TABLE OF DOCUMENTS FILED THAT AFFECT THE NPII

NPII event	Bankruptcy Act / Regulations reference	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>CREDITORS' PETITIONS</b> [See also <a href="#">ORPS3 – Bankruptcy by sequestration order</a> ]				
A creditor petitions the Federal Court or Federal Circuit Court for bankruptcy of a debtor	S43 S47 R4.05	<ul style="list-style-type: none"> <li>▪ Copy of the creditor's petition filed within two (2) working days after endorsement by the court</li> <li>▪ May also have a registered trustee's consent to act attached</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensures document has been filed with the court</li> <li>▪ Checks for registered trustee's consent to act</li> <li>▪ Registers new creditor's petition</li> </ul>	<ul style="list-style-type: none"> <li>▪ Administration type: Creditor's Petition</li> <li>▪ Debtor's details</li> <li>▪ Names of:                             <ul style="list-style-type: none"> <li>– the petitioning creditor</li> <li>– the petitioning creditor's solicitor</li> </ul> </li> <li>▪ Court reference</li> <li>▪ Date petition filed in the court</li> <li>▪ Date the court will hear the petition</li> </ul>
Adjournment, dismissal, stay or extension of a creditor's petition hearing	R4.05	Copy of the endorsed court order filed within two (2) working days after endorsement by the court	Data entered	<ul style="list-style-type: none"> <li>▪ Date the court heard the petition</li> <li>▪ Next date of hearing</li> <li>▪ Dismissal, stay or extension</li> <li>▪ Date of dismissal, stay or extension</li> <li>▪ Status (result):                             <ul style="list-style-type: none"> <li>– petition dismissed</li> <li>– petition stayed</li> <li>– petition extended</li> </ul> </li> </ul>
Withdrawal of creditor's petition	S47	Copy of court order	Data entered	<ul style="list-style-type: none"> <li>▪ Date ended: date petition withdrawn</li> <li>▪ Status (result): petition withdrawn</li> </ul>
Creditor substitution	S49	Notification	Data entered	Petitioning creditor and/or the creditor's solicitor's details
Sequestration order made <i>(see also bankruptcies section below)</i>	S52	Copy of the sequestration order filed within two (2) days of order being made	Data entered	<ul style="list-style-type: none"> <li>▪ Dated ended: date the court made the order</li> <li>▪ Status (result): sequestration order made</li> </ul>

NPII event	Bankruptcy Act / Regulations reference	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>BANKRUPTCIES (Part IV of the Act)</b> [See also <a href="#">ORPS2 – Bankruptcy by debtor's petition</a> and <a href="#">ORPS3 – Bankruptcy by sequestration order</a> ]				
The court makes a sequestration order (bankruptcy)	S52	Copy of the sequestration order filed within two (2) days of order being made	<ul style="list-style-type: none"> <li>▪ Registers new bankruptcy (sequestration order)</li> <li>▪ Debtor notified</li> <li>▪ Trustee notified</li> </ul>	<ul style="list-style-type: none"> <li>▪ Administration and petition type: Bankruptcy – Sequestration Order</li> <li>▪ Bankrupt's personal details</li> <li>▪ Date filed: date the court made the order (date of bankruptcy)</li> <li>▪ Names of:                             <ul style="list-style-type: none"> <li>– the petitioning creditor</li> <li>– the petitioning creditor's solicitor</li> </ul> </li> </ul>
Registered trustee agrees to be trustee of a bankrupt estate (or, if no trustee has consented, Official Trustee is appointed by default)	S156A R8.06	Trustee consent to act ( <a href="#">Form 12</a> ) filed with sequestration order or debtor's petition	<ul style="list-style-type: none"> <li>▪ Ensures trustee consent form attached to debtor's petition and statement of affairs</li> <li>▪ Ensures compliance with approved form and form is complete</li> <li>▪ Trustee entered against the administration and sent certificate of appointment</li> </ul>	Trustee's name and contact details
Debtor completes and files statement of affairs as a result of a sequestration order being made	S54	Statement of affairs ( <a href="#">Form 3</a> )	<ul style="list-style-type: none"> <li>▪ Ensures compliance with approved form and form is complete</li> <li>▪ Copy of statement of affairs given to trustee</li> <li>▪ Data entered</li> </ul>	Date statement of affairs filed with the Official Receiver

NPII event	Bankruptcy Act / Regulations reference	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>BANKRUPTCIES</b> (continued)				
Debtor completes and files a debtor's petition for bankruptcy	S55 S56A-F S57 S57A	Debtor's petition and statement of affairs ( <a href="#">Form 6</a> and <a href="#">Form 3</a> )	<ul style="list-style-type: none"> <li>▪ Ensures debtor is eligible, has complied with approved forms and forms are complete</li> <li>▪ If debtor's petition is accepted:                             <ul style="list-style-type: none"> <li>– new bankruptcy registered</li> <li>– trustee entered against the administration and sent certificate of appointment</li> <li>– Data entered</li> <li>– Debtor and creditors notified of bankruptcy</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Administration and petition type: Bankruptcy – Debtor's Petition</li> <li>▪ Bankrupt's details</li> <li>▪ Date filed: date of bankruptcy</li> <li>▪ Date statement of affairs filed with the Official Receiver</li> <li>▪ Trustee's name and contact details</li> </ul>
Registered trustee agrees to be trustee of a bankrupt estate (or, if no trustee has consented, Official Trustee is appointed by default)	S156A R4.12	Trustee consent to act ( <a href="#">Form 12</a> ) filed at the same time as debtor's petition ( <a href="#">Form 6</a> ) and statement of affairs ( <a href="#">Form 3</a> )	<ul style="list-style-type: none"> <li>▪ Ensures trustee consent form attached to debtor's petition and statement of affairs</li> <li>▪ Ensures compliance with approved form and form is complete</li> <li>▪ Trustee entered against the administration and sent certificate of appointment</li> </ul>	Trustee's name and contact details

NPII event	Bankruptcy Act / Regulations reference	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>BANKRUPTCIES – ENDING A BANKRUPTCY</b> [See also <a href="#">When does my bankruptcy end?</a> ]				
Automatic discharge (by law) from bankruptcy	S149	No documentation necessary	No action necessary	<ul style="list-style-type: none"> <li>▪ Date ended: date of discharge</li> <li>▪ Status (result): discharge by law</li> </ul>
Creditors accept bankrupt's proposal for composition or scheme of arrangement	S74	Written notice of annulment	<ul style="list-style-type: none"> <li>▪ Ensures document sets out required information</li> <li>▪ Annulment data entered</li> </ul>	<ul style="list-style-type: none"> <li>▪ Date ended: date the creditors accepted the proposal</li> <li>▪ Status (result): s74 annulment – debts settled</li> </ul>
New trustee appointed to composition/scheme of arrangement	S73B	Trustee consent to act ( <a href="#">Form 12</a> )	<ul style="list-style-type: none"> <li>▪ Ensures compliance with approved form and form is complete</li> <li>▪ Trustee's data entered</li> </ul>	<ul style="list-style-type: none"> <li>▪ Trustee's name and contact details</li> <li>▪ Date of appointment</li> </ul>
Termination or setting aside of composition or scheme of arrangement	S76B	Trustee's advice of termination or setting aside plus sealed copy of court order(s)	Data entered	<ul style="list-style-type: none"> <li>▪ Date ended: date of termination or setting aside</li> <li>▪ Status (result): s74 annulment terminated or set aside</li> </ul>
Debtor pays all debts and bankruptcy is annulled	S153A	Certificate of annulment	Annulment data entered	<ul style="list-style-type: none"> <li>▪ Date ended: date of annulment</li> <li>▪ Status (result): s153A annulment – payment in full</li> </ul>
Court orders an annulment	S153B	Court order filed within two days	<ul style="list-style-type: none"> <li>▪ Ensures copy of the order has been sealed</li> <li>▪ Discharge data entered</li> </ul>	<ul style="list-style-type: none"> <li>▪ Date ended: date the court order is made</li> <li>▪ Status (result): s153B annulment – court order</li> </ul>

NPII event	Bankruptcy Act / Regulations reference	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>BANKRUPTCIES – OBJECTION TO DISCHARGE FROM BANKRUPTCY</b>				
Trustee objects to debtor's discharge	S149B S149C S149D S149G	Notice of objection to discharge	<ul style="list-style-type: none"> <li>▪ Ensures document complete:                             <ul style="list-style-type: none"> <li>– ground(s) is stated</li> <li>– evidence is provided</li> <li>– reason for objection stated</li> </ul> </li> <li>▪ Objection data entered</li> </ul> <p>Note: an objection has no effect until it is registered on the NPII</p>	<ul style="list-style-type: none"> <li>▪ The ground(s) of the objection</li> <li>▪ Date the objection data entered on the NPII</li> <li>▪ Name of the trustee who requested the objection be lodged</li> </ul>
Trustee ceases to object, or trustee or Official Receiver withdraws an objection to discharge	S149H S149J	Notice of cessation or notice of withdrawal of objection	<ul style="list-style-type: none"> <li>▪ Ensures ground(s) is stated</li> <li>▪ Objection data entered</li> </ul> <p>Note: ceasing or withdrawing an objection to discharge takes effect from date the data entered on the NPII</p>	<ul style="list-style-type: none"> <li>▪ Cessation or withdrawal of particular ground(s) of objection</li> <li>▪ Date the cessation or withdrawal is registered on the NPII</li> <li>▪ Name of the trustee or the Official Receiver who lodged the cessation or withdrawal notice</li> </ul>
Inspector-General makes a decision to cancel an objection	S149N S149P	Notice of outcome of review of objection – cancellation	Objection data entered	<ul style="list-style-type: none"> <li>▪ Cancellation of particular ground(s) of objection</li> <li>▪ Date of effect of cancellation</li> </ul>
Administrative Appeals Tribunal sets aside an objection to discharge	R7.02	Outcome of review by Administrative Appeals Tribunal	Objection data entered	<ul style="list-style-type: none"> <li>▪ Outcome of the review</li> <li>▪ Date of decision of the Administrative Appeals Tribunal</li> </ul>

NPII event	Bankruptcy Act / Regulations reference	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>BANKRUPTCIES – TRUSTEE OF THE ADMINISTRATION</b>				
Trustee finalises the administration	S184 S184A R8.14	Notification of finalisation of administration	Finalisation date entered	<ul style="list-style-type: none"> <li>▪ No data appear</li> </ul>
Change in trustee due to creditor resolution, resignation, court order or death	S156A S157 S159 S160 S179 S181 S183 R8.13	Notification by previous trustee, court order, creditor resolution, representative of deceased trustee, consent form from new trustee	<ul style="list-style-type: none"> <li>▪ Ensures compliance with current forms and forms are complete</li> <li>▪ Checks court order (if applicable) is sealed</li> <li>▪ Data entered against particular administration or proceeding</li> <li>▪ Certificate of appointment sent to new trustee</li> </ul>	<ul style="list-style-type: none"> <li>▪ New trustee's name and contact details</li> </ul>

NPII event	Bankruptcy Act / Regulations reference	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>DEBT AGREEMENTS (Part IX of the Act)</b> [See also <a href="#">What is a debt agreement?</a> ]				
Debtor gives to the Official Receiver a proposal for a debt agreement for consideration by creditors	S185C S185D S185F	<ul style="list-style-type: none"> <li>▪ Debt agreement proposal</li> <li>▪ Explanatory statement</li> <li>▪ Statement of affairs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensures debtor is eligible, ensures compliance and clarity of proposal</li> <li>▪ Accepts or rejects proposal for processing</li> <li>▪ Proposal data entered</li> <li>▪ Complying proposal sent to creditors</li> </ul>	<ul style="list-style-type: none"> <li>▪ Administration type: debt agreement proposal</li> <li>▪ Details of debtor</li> <li>▪ Date proposal accepted for processing</li> <li>▪ Name and address of processor of proposal</li> <li>▪ Date proposal lapses (if at all)</li> </ul>
Debt agreement administrator consents to administer debt agreement	S185C(2D)	Certificate of consent	Particulars of DAA entered	Particulars of DAA, if a debt agreement is made
Proposal withdrawn or cancelled	S185ED	Debtor's letter of withdrawal or notice of cancellation from Official Receiver	End date entered	<ul style="list-style-type: none"> <li>▪ Date ended: date of withdrawal or cancellation of proposal</li> <li>▪ Status (result): withdrawn or cancelled</li> </ul>
Creditors' voting result on debt agreement proposal	S185H	Result of vote of creditors – either statements of claim and voting or minutes of a creditors' meeting (if held)	Result of voting regarding the debt agreement proposal entered	<ul style="list-style-type: none"> <li>▪ Date proposal given</li> <li>▪ Date the making of the debt agreement or rejection of the proposal was entered on the NPII</li> <li>▪ Status (result): accepted or rejected</li> <li>▪ Particulars of debt agreement administrator (if debt agreement made)</li> </ul>

NPII event	Section of the Act / Regulation	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>DEBT AGREEMENTS – ENDING OR COMPLETING A DEBT AGREEMENT</b>				
Debt agreement completed	S185N	Notice of completion from debt agreement administrator	<ul style="list-style-type: none"> <li>▪ Ensures compliance with approved form</li> <li>▪ Ensures both notice of completion from DAA has been received and certificate of completion has been issued by Official Receiver</li> <li>▪ Completion data entered</li> <li>▪ Certificate of completion of debt agreement sent to debtor</li> </ul>	<ul style="list-style-type: none"> <li>▪ Date ended: date the Official Receiver gives debtor certificate of completion</li> <li>▪ Status (result): debt agreement completed</li> </ul>
Proposal to terminate lodged by creditor or debtor	S185P	Proposal to terminate explanatory statement	<ul style="list-style-type: none"> <li>▪ Ensures compliance with approved forms</li> <li>▪ Processes the proposal</li> </ul>	N/A
Vote by creditors to terminate debt agreement	S185PC	Result of vote of creditors – either statements of claim and voting or minutes of a creditors’ meeting (if held)	<ul style="list-style-type: none"> <li>▪ Termination of debt agreement data entered</li> <li>▪ Parties notified</li> </ul>	<ul style="list-style-type: none"> <li>▪ Date ended: date of acceptance of debt agreement proposal to terminate</li> <li>▪ Status (result): debt agreement terminated</li> </ul>
Debtor defaults in making debt agreement payments for a period of six months	S185QA	Notification from DAA of designated six-month arrears default	<ul style="list-style-type: none"> <li>▪ Satisfied that default has occurred</li> <li>▪ Termination data entered</li> <li>▪ Parties notified in writing</li> </ul>	<ul style="list-style-type: none"> <li>▪ Date ended: date when declaration recorded on NPII</li> <li>▪ Status (result): debt agreement terminated</li> </ul>
Application is made to the court and the court orders termination or voiding of a debt agreement	S185Q S185T S185U	Court order filed within two days of order being made	<ul style="list-style-type: none"> <li>▪ Ensures court order sealed</li> <li>▪ Data entered</li> <li>▪ Parties notified</li> </ul>	<ul style="list-style-type: none"> <li>▪ Date ended: date of court order</li> <li>▪ Status (result): debt agreement terminated or voided by court</li> </ul>

NPII event	Section of the Act / Regulation	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>DEBT AGREEMENTS – CHANGES TO THE DEBT AGREEMENT ADMINISTRATOR</b>				
Debt agreement administrator changes <ul style="list-style-type: none"> <li>▪ proposal to vary given</li> <li>▪ Official Receiver appoints new DAA</li> <li>▪ Official Trustee replaces a DAA who dies</li> <li>▪ registration ceases</li> <li>▪ DAA becomes ineligible</li> </ul>	S185ZC S185ZA	<ul style="list-style-type: none"> <li>▪ Proposal to vary and subsequent vote by creditors</li> <li>▪ Notification from Official Receiver, Official Trustee or Regulation</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensures compliance with current forms and forms are complete</li> <li>▪ Data entered against particular debt agreement</li> </ul>	<ul style="list-style-type: none"> <li>▪ New debt agreement administrator’s name and contact details</li> <li>▪ Date of appointment of new DAA</li> </ul>

NPII event	Section of the Act / Regulation	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>PERSONAL INSOLVENCY AGREEMENTS</b> [See also <a href="#">What is a personal insolvency agreement?</a> and <a href="#">ORPS4 – Setting up a personal insolvency agreement</a> ]				
Debtor decides to propose PIA and completes a section 188 authority	S188 R10.03	<ul style="list-style-type: none"> <li>▪ S188 authority filed within two working days after trustee's consent</li> <li>▪ Statement of affairs (<a href="#">Form 3</a>)</li> <li>▪ Copy of proposal filed within two working days after finalising the proposal</li> </ul>	<ul style="list-style-type: none"> <li>▪ Ensures compliance with approved forms and forms are complete</li> <li>▪ Registers new s188 authority</li> </ul>	<ul style="list-style-type: none"> <li>▪ Administration type: S188 authority</li> <li>▪ Debtor's details</li> <li>▪ Details of controlling trustee</li> <li>▪ Date of s188 authority</li> <li>▪ Date statement of affairs filed</li> </ul>
End of control by trustee or control passes to Official Trustee	S189(1B) S192	Notice of event causing end of control or notice of control passing to Official Trustee	Data entered	<ul style="list-style-type: none"> <li>▪ Date of termination of control of controlling trustee</li> <li>▪ New controlling trustee's name and contact details</li> <li>▪ Date controlling trustee appointed</li> </ul>
Creditors vote to accept proposed PIA and to appoint registered trustee	S204 S218 S215A	<ul style="list-style-type: none"> <li>▪ Notification of execution of PIA</li> <li>▪ Copy of the agreement</li> <li>▪ Appointment of trustee</li> </ul>	Registers new personal insolvency agreement	<ul style="list-style-type: none"> <li>▪ Administration type: Personal insolvency agreement</li> <li>▪ Debtor's details</li> <li>▪ Trustee's name and contact details</li> <li>▪ Date of execution of PIA document</li> <li>▪ Date statement of affairs filed</li> </ul>

NPII event	Section of the Act / Regulation	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>PERSONAL INSOLVENCY AGREEMENTS – ENDING A PERSONAL INSOLVENCY AGREEMENT</b>				
Debtor discharges obligations under PIA	S232 R10.14	Trustee gives debtor certificate of completion and files copy with Official Receiver	PIA data entered	<ul style="list-style-type: none"> <li>▪ Date ended: date when the trustee signed the certificate of completion</li> <li>▪ Status (result): terms of PIA completed</li> </ul>
<ul style="list-style-type: none"> <li>▪ Creditors vote to terminate PIA</li> <li>▪ A pre-determined PIA terminating event occurs</li> <li>▪ Court orders that PIA be set aside</li> </ul>	S221 S222 S222A S222C S224A	Notice of termination or court order	<ul style="list-style-type: none"> <li>▪ PIA data entered</li> <li>▪ Checks that court order is sealed</li> </ul>	<ul style="list-style-type: none"> <li>▪ Date ended: date of termination or order to set aside</li> <li>▪ Status (result): PIA terminated or set aside</li> <li>▪ If a sequestration order has been made, the sequestration order and the date the order was made appear</li> </ul>



NPII event	Section of the Act / Regulation	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
Statement of affairs is completed and filed by administrator of deceased estate	S246	Statement of affairs under Part XI ( <a href="#">Form 4</a> )	Ensures compliance with approved forms and forms are complete	Date statement of affairs filed
<b>ADMINISTRATION ORDERS (Part XI of the Act) – ENDING AN ADMINISTRATION ORDER</b>				
Debts paid in full	S252A	Certificate of annulment	Annulment data entered	<ul style="list-style-type: none"> <li>▪ Date ended: date of annulment</li> <li>▪ Status (result): s252A annulment – paid in full</li> </ul>
Court orders annulment of the administration order	S252B		<ul style="list-style-type: none"> <li>▪ Checks that court order is sealed</li> <li>▪ Annulment data entered</li> </ul>	<ul style="list-style-type: none"> <li>▪ Date ended: date of annulment</li> <li>▪ Status (result): s252B annulment – court order</li> </ul>
Discharge by law	N/A		N/A	N/A – s149 does not apply to a Part XI
<b>PROPERTY CONTROL ORDER (section 50 of the Act)</b>				
Federal Court or Federal Circuit Court makes an order for a trustee to take control of a debtor's property before bankruptcy	S50	Copy of the court order	<ul style="list-style-type: none"> <li>▪ Ensures court order sealed</li> <li>▪ Registers new s50 order</li> </ul>	<ul style="list-style-type: none"> <li>▪ Administration type: S50 Control Order</li> <li>▪ Date the court order was made</li> <li>▪ Debtor's details</li> <li>▪ Trustee's name and contact details</li> <li>▪ Date the trustee's control ends</li> </ul>

NPII event	Section of the Act / Regulation	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on the NPII
<b>REGISTRATION OF TRUSTEES AND DEBT AGREEMENT ADMINISTRATORS</b> [See also <a href="#">Practitioners</a> ]				
Person applies for registration as a trustee	S154A	Application for registration as a trustee ( <a href="#">Form 10</a> )	AFSA's Regulation team creates and maintains record	<ul style="list-style-type: none"> <li>▪ Registered trustee application</li> <li>▪ Details of applicant</li> <li>▪ Date of application</li> </ul>
Person is registered as a trustee	S155C(2)	Inspector-General decision on application based on committee decision	AFSA's Regulation team creates and maintains record	<ul style="list-style-type: none"> <li>▪ Details of trustee</li> <li>▪ Date the trustee's registration commenced</li> </ul>
Trustee applies for change of conditions on practising as a registered trustee	S155E S155F	Application for change of conditions on practising as a registered trustee ( <a href="#">Form 11</a> )	AFSA's Regulation team creates and maintains record	<ul style="list-style-type: none"> <li>▪ Details of trustee</li> <li>▪ Date of application</li> </ul>
Decision on application for change of conditions	S155F	Inspector-General decision on application based on committee decision	AFSA's Regulation team creates and maintains record	<ul style="list-style-type: none"> <li>▪ Details of trustee</li> <li>▪ Date and effect of decision</li> </ul>
Trustee requests voluntary termination of registration	S155G	Written request from trustee	AFSA's Regulation team maintains record	<ul style="list-style-type: none"> <li>▪ Resignation of trustee</li> <li>▪ Date trustee registration ceased</li> </ul>
Decision made for involuntary termination of trustee registration	S155H S155I	Inspector-General decision based on committee decision	AFSA's Regulation team maintains record	<ul style="list-style-type: none"> <li>▪ Termination of trustee's registration</li> <li>▪ Date registration of trustee ceased</li> </ul>
Person ineligible to be a debt agreement administrator	S186M	Inspector-General decision based on committee decision	AFSA's Regulation team maintains record	<ul style="list-style-type: none"> <li>▪ Details of debt agreement administrator</li> <li>▪ Ineligibility of debt agreement administrator</li> <li>▪ Date ineligibility takes effect</li> </ul>
Person applies for registration as a debt agreement administrator	S186B	Application to be registered as a debt agreement administrator ( <a href="#">Form 24A</a> and <a href="#">Form 24B</a> )	AFSA's Regulation team creates and maintains record	<ul style="list-style-type: none"> <li>▪ Registered debt agreement administrator – Application or registration or refusal of application</li> <li>▪ Details of debt agreement administrator</li> <li>▪ Date of application or date of refusal of application</li> </ul>

NPII event	Section of the Act / Regulation	Document filed with the Official Receiver	Action by the Official Receiver	Data that appear on NPII Practitioner
<b>REGISTRATION OF TRUSTEES AND DEBT AGREEMENT ADMINISTRATORS</b> (continued)				
Registration as a debt agreement administrator	S186D S186F	Inspector-General decision based on committee decision	AFSA's Regulation team creates and maintains record	<ul style="list-style-type: none"> <li>▪ Details of registered debt agreement administrator</li> <li>▪ Date registration commences</li> <li>▪ Any conditions applying to registration</li> </ul>
Debt agreement administrator applies to change or remove registration conditions	S186H	Application to change or remove conditions imposed on the registration of a debt agreement administrator ( <a href="#">Form 25</a> )	AFSA's Regulation team maintains record	<ul style="list-style-type: none"> <li>▪ Details of administrator</li> <li>▪ Date of application</li> <li>▪ Result of application</li> </ul>
Debt agreement administrator applies to surrender registration	S186J	Application for surrender of registration as a registered debt agreement administrator ( <a href="#">Form 26</a> )	AFSA's Regulation team maintains record	<ul style="list-style-type: none"> <li>▪ Details of administrator</li> <li>▪ Date application received</li> <li>▪ Date of Inspector-General decision and date registration of debt agreement administrator ceases</li> </ul>
Cancellation of a person's registration as a debt agreement administrator	S186K S186L S185ZCA S185ZCB	Inspector-General decision to cancel registration of debt agreement administrator	AFSA's Regulation team maintains record	Date registration of debt agreement administrator ceases
Registered debt agreement administrator ceases	S185ZCA S186J S186K S186L	<ul style="list-style-type: none"> <li>▪ Notice of request to surrender or cancellation of registration</li> <li>▪ Notice of resignation</li> </ul>	AFSA's Regulation team maintains record	<ul style="list-style-type: none"> <li>▪ Details of reason for end of registration</li> <li>▪ Date registration ends</li> </ul>