



June 2009

# Bankruptcy

## Essential forms and information

### IF YOU DECIDE TO APPLY FOR BANKRUPTCY

1. Complete the Debtor's Petition form.
2. Complete the Statement of Affairs form.
3. Send or take the completed forms within 28 days of signing to one of the ITSA offices listed over the page.

Note: If you have arranged for a registered trustee to administer your estate you must ask your trustee to complete a *Consent to Act as Trustee* form and lodge it along with your Debtor's Petition and Statement of Affairs. If a completed *Consent to Act as Trustee* form is not lodged with your application, the Official Trustee (ITSA) will act as your trustee or arrange with your creditors to appoint a Registered Trustee.

(DO NOT USE THIS SET OF FORMS IF YOU HAVE ALREADY BEEN MADE BANKRUPT UNDER A SEQUESTRATION ORDER)

### INSTRUCTIONS FOR COMPLETING THE FORMS

1. Use a black or blue pen.
2. Answer all questions. If they do not apply to you, please write 'N/A' (Not applicable).
3. If there is not enough space for you to answer a question, provide additional information on the Additional Notes page (page 2) of the Statement of Affairs.
4. If any of your creditors are related to you, you must disclose this fact at questions 38 and 40 of the Statement of Affairs form. A related creditor includes any creditor who is your relative or your spouse's relative. It also includes any businesses, companies or trusts in which you, your spouse or your respective relatives may have an interest, for example:
  - i. You owe ABC Plumbers \$1 000. Your spouse's nephew and one of his friends own this business. This makes ABC Plumbers a related creditor and you need to disclose this on your Statement of Affairs.
  - ii. You owe XYZ Pty Ltd \$500. XYZ Pty Ltd is owned by another company in which your son is a director. This makes XYZ a related creditor even though your son may not be a director of XYZ Pty Ltd.
5. Some questions on the forms require you to provide supporting documentation. Please ensure that you attach these documents. A document checklist is provided on page 20 of the Statement of Affairs form.

You are not required to attach invoices for every debt that you owe.

6. **Providing false and / or misleading information is an offence under the Bankruptcy Act and penalties apply on 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 ITSA on 1300 364 785. ITSA cannot give you advice on whether bankruptcy is suitable for your individual circumstances.

If you do not speak English, an Interpreting Service is available for the cost of a local call from anywhere in Australia – phone 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 may 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 YOUR APPLICATION FOR BANKRUPTCY BE REJECTED?

Yes it can, if the Official Receiver (ITSA) is of the view that you can pay all your debts within a reasonable time AND either

- you have previously been bankrupt 3 or more times, or once in the last 5 years, or
- you are unwilling to pay one or more creditors, 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).

## LODGEMENT OF FORMS

Completed Debtor Petition and Statement of Affairs forms may be lodged at the following ITSA offices.

ITSA Office	Postal Address	Street Address
Adelaide	GPO Box 2604 Adelaide SA 5001	Level 9, 80 King William Street Adelaide SA 5000
Brisbane	PO Box 10443 Adelaide St Brisbane QLD 4000	Level 16, 340 Adelaide Street Brisbane QLD 4000
Melbourne	GPO Box 2851 Melbourne VIC 3001	Level 16, 300 La Trobe Street Melbourne VIC 3000
Perth	GPO Box H536 Perth WA 6841	Level 12, Durack Centre 263 Adelaide Terrace Perth WA 6000
Sydney	GPO Box 548 Sydney NSW 2001	Level 4, 201 Elizabeth Street Sydney NSW 2000

# Debtor's Petition (Application to become bankrupt)

Bankruptcy Act 1966 Section 55(2)



Australian Government

Insolvency and Trustee Service Australia

Before completing this petition you must read the **PRESCRIBED INFORMATION** over the page

## Contact Details

Title	Given Name/s (include all given names)	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>

### Other names used in past 10 years

Title	Given Name/s (include all given names)	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>

Title	Given Name/s (include all given names)	Surname
<input type="text"/>	<input type="text"/>	<input type="text"/>

Contact Number (including area code)	Work Number (including area code)	Mobile Number
<input type="text"/>	<input type="text"/>	<input type="text"/>

Address	Postcode
<input type="text"/>	<input type="text"/>

Current Occupation	Date of Birth (DD/MM/YYYY)
<input type="text"/>	<input type="text"/>

**To be eligible to present this petition you must have a relevant Australian connection.** (Tick the statement that describes your connection to Australia)

- I am personally present in Australia, or ordinarily resident in Australia
- I have a dwelling house or place of business in Australia
- I or my firm/partnership is carrying on business in Australia

**I am presenting this Debtor's Petition to become bankrupt:** (Tick one the following)

- As an individual debtor
- Against a business partnership of which I am a partner (petitions from either all or a majority of the partners need to be submitted together with your petition)
- Jointly with another person and we are not in a business partnership (petition from the other person needs to be submitted together with your petition)

**IMPORTANT: A STATEMENT OF AFFAIRS FORM MUST BE COMPLETED AND FILED WITH THIS DEBTOR'S PETITION FORM.**

**BY SIGNING THIS PETITION I ACKNOWLEDGE THAT I HAVE RECEIVED AND READ THE PRESCRIBED INFORMATION OVER THE PAGE.**

## Your Signature

Date (DD/MM/YYYY)

## PRESCRIBED INFORMATION

### Your options to deal with unmanageable debt

**Talk to your creditors:** Some creditors could give you more time to pay, agree to renegotiate repayments or accept a smaller payment to settle the debt. Some creditors have hardship provisions which you can use to vary the terms of your contract. You should call your creditors and ask about their hardship provisions.

**Lodge a Declaration of Intention to Present a Debtor's Petition:** This stops your creditors, the bailiff or sheriff taking action to recover unsecured debts for a period of 7 days. You could use that time to speak to your creditors, consider other options or seek advice.

**Propose a Debt Agreement (DA):** A DA is a legally binding arrangement between you and your creditors which must be accepted by the majority of your creditors. The agreement is administered by a debt agreement administrator who will charge a fee. Your debts, assets and income must be under a certain limit\* to propose a DA. You can offer to pay your creditors by instalments or in a lump sum which may be less than the full amount of your debts. You will be released from debts covered by the agreement once you have completed all obligations and payments in your agreement. Your name will be on the public register (NPII) forever and on a commercial credit reference record for 7 years even if you have completed your agreement.

**Propose a Personal Insolvency Agreement (PIA):** A PIA is also a legally binding arrangement between you and your creditors which must be accepted by a majority of your creditors. The PIA must be administered by a trustee who will charge a fee. There are no debt, asset or income limits. You can offer to pay your creditors by instalments or in a lump sum which may be less than the full amount of your debts. You will be released from debts covered by the agreement once you have completed all obligations and payments in your agreement. Your name will be on the public register (NPII) forever and on a commercial credit reference record for 7 years even if you have completed your agreement.

**Sources of further information:** You can ask for help from a financial counselling service, registered trustee, registered debt agreement administrator, lawyer or an accountant. They will talk to you about your options and may speak to creditors on your behalf.

**You can get more information about the above options or sources of financial guidance by contacting ITSA on 1300 364 785 or at [www.itsa.gov.au](http://www.itsa.gov.au). You should read the ITSA publication titled *Personal Insolvency Information for Debtors*.**

### Consequences of proceeding with a petition for bankruptcy

**A trustee will administer your bankruptcy:** You may ask a registered trustee to administer your bankruptcy. If you do not choose a trustee, ITSA may ask a registered trustee to become your trustee, otherwise the Official Trustee (ITSA) will become your trustee. Your creditors can change your trustee. You must assist your trustee at all times. You must immediately notify your trustee in writing of any change in your personal circumstances (including name, address or income). Your trustee can extend the 3 year period of bankruptcy to 5 or 8 years under certain circumstances. Usually a trustee will take his/her fee for administering your bankruptcy out of the assets or income they recover. If there is insufficient money to recover the fee, a registered trustee may collect a minimum fee\* from you directly.

**Your assets may be sold:** You will be able to keep ordinary household goods, tools (up to a certain value)\* used to earn an income and a vehicle (up to a certain value)\* but other assets - including your house - can be sold by your trustee. You cannot conceal, remove or dispose of any property inside or outside Australia. If you do, you may be subject to criminal prosecution.

**Your income, employment and business may be affected:** If your income exceeds a set limit\*, you may be required to make contributions from your income. You cannot be a director of and/or manage a company. Some professional/licensing bodies may restrict or prevent you from continuing in that trade or profession. You may not be able to hold certain public positions. If you are in business and trade under a business name different to your own, you must tell everyone you deal with that you are bankrupt. If you don't, you may be subject to criminal prosecution.

**You may not be released from all debts:** You are released from most of your unsecured debts (eg credit cards, personal loans, store cards) once you are discharged from bankruptcy. Some types of debts are not covered by bankruptcy, eg debts incurred by fraud, penalties/fines and child support debts - you have to continue paying those debts. If a debt is secured against an asset (eg mortgage on a house or a car) and you do not maintain repayments that creditor can repossess and sell the asset; however the shortfall, if any, will be covered by bankruptcy.

**Your ability to obtain credit and certain services may be affected:** You may find it hard to borrow money and buy things on credit. You may find it hard to rent, get electricity, water or the telephone connected without paying a bond. Some banks may not let you operate an account or may restrict how you can use your account. If you obtain credit of \$3,000 or more\* then you must tell the credit provider that you are bankrupt. If you enter into a hire purchase agreement or a contract for the hiring or leasing of any goods whereby the amount is or totals \$3,000 or more\* then you must tell the seller or the property owner that you are bankrupt. If you obtain goods and services by giving a bill of exchange, cheque or promissory note whereby the amount is or totals \$3,000 or more\* then you must tell the supplier of the goods or services that you are bankrupt. If you obtain goods and services by promising to pay an amount of \$3,000 or more\* then you must tell the supplier of the goods or services that you are bankrupt. If you obtain money or payment of \$3,000 or more\* by promising to supply goods or render services, you must tell the purchaser that you are bankrupt. If you don't disclose your bankruptcy in these circumstances, you may be liable to criminal prosecution.

**Your ability to travel overseas will be affected:** You will not be able to travel overseas without the written permission of your trustee and you may be asked to surrender your passport to your trustee.

**Your name will be on the public register (NPII) forever:** Your name will be on the public register (NPII) forever and on a commercial credit reference record for 7 years even if your bankruptcy has been discharged.

*\*This is an indexable amount and therefore increases periodically (see s304A of the Bankruptcy Act). For the current monetary amounts see Current Amounts at [www.itsa.gov.au](http://www.itsa.gov.au) or call ITSA on 1300 364 785 for a copy.*



# Statement of Affairs

Print name in full

<i>Title</i>	<i>Family name</i>	<i>Given names</i>

*If you do not speak, read or write English, the Interpreting Service is available for the cost of a local call on 131450.*

<b>Contents of the Statement of Affairs</b>	<b>Page</b>
PART A – PERSONAL DETAILS    CONFIDENTIAL	3
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PART C – YOUR ASSETS	10
PART D – YOUR LIABILITIES	14
PART E – BUSINESS DETAILS	16
DECLARATION	20
CHECKLIST FOR STATEMENT OF AFFAIRS	20

Office Use Only	Date Filed	
	Event Number	
	Administration Number	

**ADDITIONAL NOTES**

**PART A – PERSONAL DETAILS** CONFIDENTIAL

**1 Your personal details**

Telephone numbers	Home (    )	Work (    )
	Mobile	Fax (    )
Email Address		

Do you prefer to receive correspondence by email where possible?    No     Yes

Name and Address of a contact person who does not live with you

Name			
Address			
Phone No.	(    )	Relationship	

Do you have any passports?    No     Yes     If yes, how many?  *please give details*

Passport number 1		Passport number 2	
Expiry date	/  /	Expiry date	/  /
Country of issue		Country of issue	

Do you have a current driver's licence?    No     Yes  *please give details*

Licence number			
Expiry date	/  /		
State of Issue	Australia	Other	

Are you of Aboriginal or Torres Strait Islander origin?    No     Yes

Were you born overseas?    No     Yes

Which country?	
What languages do you speak at home?	

**2 Accountant**

Do you have an accountant?    No     Yes  *please give details*

Firm Name	
Contact Person	
Address	
Phone No.	(    )

**3 Solicitor**

Do you have a solicitor?    No     Yes  *please give details*

Firm Name	
Contact Person	
Address	
Phone No.	(    )

**4 About your family**

Do you have a spouse/partner? No  Yes  *please give details*

Your spouse/partner's full name	
---------------------------------	--

Do you live with your spouse/partner? No  Yes

What is your spouse/partner's separate gross income	\$	per year <b>OR</b>	\$	per week
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Do you have any dependants residing with you? No  Yes  *please give details*  
*(eg spouse, children, parents, invalid relative)*

Full Name	Relationship	Date of Birth	Separate Income
			\$
			\$
			\$
			\$
			\$

**5 Child Support**

In the next 12 months, do you expect to pay or receive any financial support under the Child Support (Assessment) Act or the Family Law Act 1975? No  Yes

*Please give details and provide a copy of the assessment or order*

	Paid to/Received from	Amount	Frequency
<input type="checkbox"/> I pay child support/maintenance		\$	
<input type="checkbox"/> I receive child support/maintenance		\$	

**6 Family Law Financial Proceedings**

Have you been a party to a family law property or spousal maintenance order or agreement?

No  Yes

Date of the order  /  /

*Please provide a copy of the agreement or order*

Are you currently involved in any family law property or spousal maintenance proceedings?

No  Yes

*Please provide a copy of the application. **Do not include** proceedings for custody of children*

Are you likely to become involved in any such proceedings?

No  Yes

**7 Legal Actions**

Are you involved in any legal processes or disputes? No  Yes

*Provide a copy of the summons, writ or other legal documents and letters*

Plaintiff	Defendant	Court	Plaint No.

**8 Proceeds of Crime Orders**

Are you or your property subject to a Proceeds of Crime Order or an application for a Proceeds of Crime order? No  Yes  *Provide a copy of the order*

**9 Summary of your income in the last 12 months**

**Provide details** of your income (before tax) over the **past** 12 months.

Type of income	Received from	\$
Government benefits/Pensions	Payment type:	
Income from self employment	Business name:	
Income from business	Business name:	
Gross wages & salary before tax	Employer name:	
Superannuation retirement funds	Fund name:	
Lump sum termination payments	Received from:	
Deceased estate or trusts	Received from:	
Income from investments <i>(eg dividends, interest, trusts)</i>	Received from:	
Income from reverse mortgages	Received from:	
Any other source	Received from:	
<b>Total</b>		<b>\$</b>

*You must provide evidence of your income eg payslips, tax returns, statements*

**10 Summary of your expected income in the next 12 months**

**Provide details of your income** (before tax) that you expect to receive in the **next** 12 months.

*If you are not sure, please estimate.*

Type of income	Received from	\$
Government benefits/Pensions	Payment type:	
Income from self employment	Business name:	
Income from business	Business name:	
Gross wages & salary before tax	Employer name:	
Superannuation retirement funds	Fund name:	
Lump sum termination payments	Received from:	
Deceased estate or trusts	Received from:	
Income from investments <i>(eg dividends, interest, trusts)</i>	Received from:	
Income from reverse mortgages	Received from:	
Any other source	Received from:	
<b>Total</b>		<b>\$</b>

*You must provide evidence of your income to your trustee eg payslips, tax returns, statements on the anniversary of your bankruptcy and when your income changes*

**11 Employment Status**

Are you currently employed? No  Yes  Go to **Q12**  
 How long have you been unemployed? Years  Months  Go to **Q15**  
 What was your occupation when you were last employed?

**12 Current Employment**

Employer details	Job 1	Job 2
Name	<input type="text"/>	<input type="text"/>
Address	<input type="text"/>	<input type="text"/>
Employed as	<input type="text"/>	<input type="text"/>
Type of Industry	<input type="text"/>	<input type="text"/>
Pay period (week/fortnight/month)	<input type="text"/>	<input type="text"/>
How many hours do you work per week?	<input type="text"/>	<input type="text"/>
Is your employer a related entity? <i>If you are unsure whether your employer is related, please refer to the instructions in the front of this booklet before answering this question.</i>	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>

**Employment Income**

<i>Income</i>	Job 1	Job 2
Gross pay per pay period ( <i>before tax</i> )	\$ <input type="text"/> (A)	\$ <input type="text"/>
<b><i>Deductions</i></b>		
Income Tax	\$ <input type="text"/>	\$ <input type="text"/>
Garnishees by creditors	\$ <input type="text"/>	\$ <input type="text"/>
Superannuation	\$ <input type="text"/>	\$ <input type="text"/>
Maintenance/Child Support	\$ <input type="text"/>	\$ <input type="text"/>
Other	\$ <input type="text"/>	\$ <input type="text"/>
Total Deductions	\$ <input type="text"/> (B)	\$ <input type="text"/>
What is your net pay? <i>Provide your payslip</i>	\$ <input type="text"/> (A)–(B)	\$ <input type="text"/>

**13 Private Health Insurance**

Do you have private patient hospital cover? No  Yes

**14 Salary Sacrifice**

Is your salary now or at any time in the last 2 years, subject to a salary sacrifice arrangement? No  Yes  *please give details*  
*(that is, you have given up cash wages for another type of non-cash benefit)*

Details
<input type="text"/>
<input type="text"/>
<input type="text"/>

**15 Superannuation Benefits**

Does any party make a superannuation contribution for you? No  Yes  *please give details*

Name and Address of the person making the payment	Where is it paid to?	How much is paid? per week
		\$
		\$

**16 Other Benefits**

Do you, or any member of your family, receive or expect to receive any benefit from any other person or entity? No  Yes  *please give details*

*(include rent, low interest loans, payment of your expenses or children’s education)*

Details

Type of benefit	1.	2.
Name of person giving benefit		
Name of person receiving benefit		
Value of benefit per year	\$	\$
Your contribution per year	\$	\$

**17 Motor Vehicle Benefits**

Do you use a vehicle which is owned by someone else? No  Yes  *please give details*

Owner's Name and Address	
Relationship (eg employer/spouse)	
Make of vehicle	
Model of vehicle	
Year of manufacture	
When did the owner purchase the vehicle?	
How much do you contribute for the use of the vehicle?	\$
How many days per week do you have the vehicle?	
How many kilometres do you travel per week?	

**18 About your Insolvency**

What do you believe is the main cause of your insolvency?

*Tick one cause only in either 18A or 18B that best describes the main cause of your financial difficulties.*

**18A Non Business Related**

- Unemployment or loss of income
- Adverse legal action
- Liabilities due to guarantees
- Gambling, speculation & extravagance in living
- Ill health or absence of health insurance
- Domestic discord or relationship breakdowns
- Excessive use of credit facilities including losses on repossessions, high interest payments and pressure selling

**18B Business Related** *(only applies if you have personally operated a business)*

- Economic conditions affecting industry, including competition, credit restrictions, fall in prices or increases in costs
- Lack of business ability including underquoting or failure to assess potential of business
- Excessive interest payments on loan monies and capital losses on repayments
- Excessive drawings including failure to provide for taxation
- Inability to collect debts due to disputes, faulty work or bad debts
- Failure to keep proper books of account and costing records
- Lack of sufficient initial working capital
- Gambling or speculation
- Seasonal conditions including floods and drought

If other reason not listed please specify.

**18C** When did you first have difficulty paying your debts? Month  Year

**18D** Where did you obtain information about bankruptcy and the alternatives? *(tick one only)*

- |                |                          |   |                          |            |                          |
|----------------|--------------------------|---|--------------------------|------------|--------------------------|
| ITSA           | <input type="checkbox"/> | Financial Counsellor                    | <input type="checkbox"/> | Accountant | <input type="checkbox"/> |
| ITSA pamphlets | <input type="checkbox"/> | Registered Trustee                      | <input type="checkbox"/> | Solicitor  | <input type="checkbox"/> |
| ITSA website   | <input type="checkbox"/> | Debt agreement consultant/administrator | <input type="checkbox"/> | Other      | <input type="checkbox"/> |

**18E** Have you previously been bankrupt or entered into a formal arrangement with creditors? No  Yes  *please give details*

What type of administration was it?

<p><b>1.</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Bankruptcy</td><td style="width: 50px;"><input type="checkbox"/></td></tr> <tr><td>Part X Arrangement</td><td><input type="checkbox"/></td></tr> <tr><td>Part IX Debt agreement</td><td><input type="checkbox"/></td></tr> <tr><td>Part X Personal Insolvency Agreement</td><td><input type="checkbox"/></td></tr> <tr><td style="text-align: right;">Year</td><td><input type="text"/></td></tr> </table>	Bankruptcy	<input type="checkbox"/>	Part X Arrangement	<input type="checkbox"/>	Part IX Debt agreement	<input type="checkbox"/>	Part X Personal Insolvency Agreement	<input type="checkbox"/>	Year	<input type="text"/>	<p><b>2</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Bankruptcy</td><td style="width: 50px;"><input type="checkbox"/></td></tr> <tr><td>Part X Arrangement</td><td><input type="checkbox"/></td></tr> <tr><td>Part IX Debt agreement</td><td><input type="checkbox"/></td></tr> <tr><td>Part X Personal Insolvency Agreement</td><td><input type="checkbox"/></td></tr> <tr><td style="text-align: right;">Year</td><td><input type="text"/></td></tr> </table>	Bankruptcy	<input type="checkbox"/>	Part X Arrangement	<input type="checkbox"/>	Part IX Debt agreement	<input type="checkbox"/>	Part X Personal Insolvency Agreement	<input type="checkbox"/>	Year	<input type="text"/>
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Year	<input type="text"/>																				

**Any information provided from this point on is available to the public**

**PART B – PERSONAL DETAILS**

**19 About You**

Gender Male  Female   
 Date of Birth  /  /   
 Title Mr  Mrs  Ms  Miss  Other

Family Name		
Given Names		
List all other names used in the last 10 years		
Residential address		
	Postcode	

Do you own or are you buying this property? No  Yes  *please give details at Q28*

If no to the question above, are you renting this property? No  Yes

Postal address		
	Postcode	

**Previous 2 addresses**

<b>1.</b>		
	Postcode	

Did you own or were you buying this property? No  Yes  Date sold  /  /

<b>2.</b>		
	Postcode	

Did you own or were you buying this property? No  Yes  Date sold  /  /

**20 Occupation**

What is your usual trade or profession?

**21 Business**

In the past 5 years have you operated a business as a sole trader, via a partnership, via a company or a trust? No  Yes  *Provide details in Part E*

**PART C – YOUR ASSETS**

**22 Cash**

How much cash do you have? (Include cash at bank at **Q23**) \$

**23 Banks / Building Societies / Credit Unions/ other financial institutions**

List all accounts held (include joint and overdrawn accounts) with any of the above types of institutions within the last 12 months.

(Note: Presently overdrawn accounts should also be included as a creditor at **Q40**)

Full Name of Bank/other financial institution	Branch Name	Account Number & Account Type	Current Balance	Joint Account
			\$	No Yes
			\$	No Yes
			\$	No Yes

**24 Tax Refund**

Do you expect to receive a tax refund? No  Yes  please give details

Year Ended	Amount expected
30 June	\$
30 June	\$

**25 Tools of Trade**

Do you have tools of trade? No  Yes  please give details

What is their estimated resale value?	\$
---------------------------------------	----

**26 Superannuation and Life Insurance Policies**

List all superannuation funds and life insurance policies

Name of Fund	Is this a regulated fund?	Balance of Fund	Type of Fund		
		\$	Super		Life
		\$	Super		Life
		\$	Super		Life

Have you **received** a superannuation payout from any fund in the last 5 years?

No  Yes  please give details

Date Received  /  /  Amount received \$

Have you **made** a lump sum payment to any superannuation fund in the last 5 years?

No  Yes  please give details

Date Paid  /  /  Amount paid \$

Do you **expect to receive** payment from any superannuation fund in the next 3 years?

No  Yes

**27 Vehicles**

Do you own, or have an interest, in any vehicles? No  Yes  please give details

(This includes cars, motor bikes, trailers, caravans, campervans, boats)

Type of vehicle (eg car, boat)	Make	Model	Year	Registration Number	Estimated Resale Value	Amount Owed (if any)
					\$	\$
					\$	\$

**28 Real Estate**

Do you own, or are you buying, any land or buildings in Australia or overseas?

*(This includes any interest in vacant land, house, unit, commercial property)*

No  **Go to Q 29** Yes  *please give details below*

Is there a building on the land? No  Yes  *please give details*

Type eg house/unit		Age of building	Years
Number of bedrooms		Number of Bathrooms	

What is the property address?

Date the property was acquired or purchased	/ /
Amount paid to acquire or purchase the property	\$
What is the estimated resale value of the property?	\$
How much do you owe to creditors who hold security over this property?	\$

Are there any other owners? No  Yes  *please give details*

Name	1.	2.
Address		

Is the property vacant? No  Yes   
 Do you live at the property? No  Yes   
 Does your partner live at the property? No  Yes   
 Is the property rented to tenants? No  Yes  *please give details*

Gross rent per week	\$
Name of person collecting rent	
Address	

Is the property listed for sale? No  Yes  *please give details*

Agent's name	
Address	

Is the property insured? No  Yes  Expiry Date  /  /

**29 Shares**

Do you own, or are you entitled to any shares, options, rights, convertible notes or other securities? No  Yes  *please give details*

Name and address of Company	No. of shares	Shareholder Number	Date Acquired	Market Value	See note below
				\$	
				\$	
				\$	

**Note:** Do any of the above shares have any restrictions on their sale? *(Eg certain types of employee shares cannot be sold for a specified period)* If there are any sale restrictions, please write 'R' in the last column.

**30 Investments**

Do you have any managed investments, insurance bonds, debentures or other investments? No  Yes  *please give details*

Investment Type	Date Acquired	Market Value
	/ /	\$
	/ /	\$
	/ /	\$

**31 Money Owed to you**

Do you have any debts owed to you? No  Yes  *please give details*  
*(include loans to friends and relatives and to family trusts or private companies; do not include Child Support arrears)*

Name & address of person or organisation who owes you money	Date debt was created	Amount owed	Amount likely to be received
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

**32 Deceased Estate**

Do you have an interest in a deceased estate? No  Yes  *please give details*  
*Provide a copy of the will or letters from the executor*

Name of Deceased	Date of Death	Executor Name and Address	Estimated value of benefit
			\$
			\$

**33 Sale, Transfer or Gift of Assets in the last 5 years**

Have you sold, transferred or given away any assets worth more than \$1000 in the last 5 years? No  Yes  *please give details*  
*Provide a copy of the receipt or settlement statement*

What did you sell, transfer or give away?	To whom was it sold, transferred or gifted?	Date Transferred	What was it worth?	How much was it sold for?	How much did you receive net?
			\$	\$	\$
			\$	\$	\$
			\$	\$	\$

**34 Assets you own which are in somebody else’s possession**

Do you own any assets which are not currently in your possession?

No

Yes  *please give details*

Description of asset	Who has the asset? Name and address	What is it worth?
		\$
		\$

**35 Assets you contributed towards or helped purchase**

Have you contributed or otherwise assisted in the purchase or improvement of any asset valued over \$1000 which is held by someone else?

No

Yes  *please give details*

Description of asset	Name and address of person who has the asset	What is it worth?
		\$
		\$

**36 Assets/Money Paid to Creditors**

As a result of pressure for payment from creditors have you, in the last 12 months, paid a total amount of more than \$1000 over and above your normal repayments or surrendered any assets to a creditor?

No

Yes  *please give details*

Date paid/ surrendered	Type of asset (eg cash/house)	Value of asset	Name of Creditor
		\$	
		\$	
		\$	
		\$	

**37 Other items of value**

Other than your general household furniture, do you own any other assets or items of value?

No

Yes  *please give details*

*(eg jewellery, camera, artworks, antiques, copyrights)*

Description of Asset	Location of Asset	Estimated Resale Value	Jointly owned	
			No	Yes
		\$	No	
		\$	Yes	
		\$	No	
		\$	Yes	
		\$	No	
		\$	Yes	

*Please attach a list if you have more assets*

**PART D – YOUR LIABILITIES**

**38 Secured Creditors -**

List your secured creditors. (Creditors who are not secured should be listed at **Q 40**)

*A secured creditor is a creditor who can repossess and sell your asset/s if you fall behind with your payments. For example, a mortgage over your house, a hire purchase/lease agreement over your vehicle, a chattel mortgage or a bill of sale over your business assets.*

	Secured Creditor No. 1	Secured Creditor No. 2	Secured Creditor No. 3
Creditor's name			
Creditor's postal address			
Account/Loan number			
Total amount owing to this creditor	\$	\$	\$
Type of security (eg mortgage)			
Date the security was given			
Description of secured asset			
Location of asset			
Estimated resale value of the asset	\$	\$	\$
Is it a joint loan?	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Are repayments up to date?	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Has the creditor repossessed the asset?	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>
Related creditor?	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>	No <input type="checkbox"/> Yes <input type="checkbox"/>

**Related Creditors** - *If you are unsure whether a creditor is related, please refer to the information sheet accompanying this form before answering this question. Related creditors must be disclosed by selecting Yes or No.*

**39 Equity Loan**

Have you used any equity or made any additional loan withdrawals against any of the above secured properties in the last 12 months? No  Yes

Date  /  /

Amount withdrawn \$

Please **copy** this page if you have more than 10 unsecured creditors.

**40 Unsecured Creditors**

An **unsecured creditor** is a creditor who does not hold security over any particular asset you own. They can include credit cards, unpaid bills, loans from friends and relatives, personal guarantees and contingent debts. List all debts that have not already been listed as secured at Q 39.

**Related Creditors** If you are unsure whether a creditor is related, please refer to the instructions for completing these forms in the front of this booklet before answering this question. Related creditors must be disclosed by ticking the yes or no box.

**Joint Debts** If the debt is owed jointly with another person you must disclose this by indicating Yes or No

Creditor Name	Nature of debt	Account No.	Mth/Yr Incurred	Total amount owing	Related Party?	Joint debt?
1					No/Yes	No/Yes
Address						
2					No/Yes	No/Yes
Address						
3					No/Yes	No/Yes
Address						
4					No/Yes	No/Yes
Address						
5					No/Yes	No/Yes
Address						
6					No/Yes	No/Yes
Address						
7					No/Yes	No/Yes
Address						
8					No/Yes	No/Yes
Address						
9					No/Yes	No/Yes
Address						
10					No/Yes	No/Yes
Address						
<b>TOTAL</b>				\$		

**Note:** Certain creditors can continue recovery action during bankruptcy and you may not be released from debts such as child support, maintenance and debts incurred by fraud.

**PART E – BUSINESS DETAILS**

**41 Sole trader/Partnership**

Have you been in business as a sole trader or in partnership at any time in the last 5 years? No  Go to **Q 43** Yes  *please give details*

If you have operated more than one business please **copy** this section, complete and attach.

Business Name	
Business Address	

**41A** Is the business registered with the Australian Taxation Office for GST payments? No  Yes

**41B** Is the GST registration on a cash or accrual basis? Cash  Accrual

**41C** Do you have an Australian Business Number? No  Yes  Number

What is the nature of this business?		
Partner's Name (if any)	1.	2.
Partner's Address		

**41D** Is there a written partnership agreement? No  Yes  *attach copy*

**41E** When did the business start operating? Date  /  /

**41F** Has the business ceased operating? No  Yes  Date ceased  /  /

**41G** Have you sold any business assets or have you sold the business as a going concern in the past 2 years? No  Yes  *please give details*

Business Name/Asset Description	Date Sold	Name of Purchaser	Amount Received
			\$
			\$
			\$

**41H** Are there any other business assets not sold? No  Yes  *please give details*

Type of Asset	Resale Value	Location of assets
Stock	\$	
Plant and Equipment	\$	
Fixtures and Fittings	\$	
Licences	\$	
Bank Accounts	\$	
Book Debts	\$	
Other (please describe)	\$	
	\$	

**41I** Did your business cease operating more than 6 months ago? No  You must answer **Q 42** before moving on to **Q 43**  
Yes  Go to **Q 43**

**42 Sole trader/Partnership – operating or ceased in past 6 months**

**42A** Is any stock on consignment or subject to retention of title? No  Yes

**42B** Is there a bill of sale or other security over business assets? No  Yes  *attach a copy of the bill of sale*

**42C** Do you have a lease agreement over your business premises? No  Yes  *please give details*

Landlord's Name						
Landlord's Address						
Period of lease				to		

**42D** Have you sold, or tried to sell the business? No  Yes  *please give details*

Agent's Name						
Agent's Address						
Asking Price	\$					

**42E** Who has your business records?

Name						
Address						
Phone No.						

**42F** Who prepares the financial statements and tax returns?

Name						
Address						
Phone No.						

***Attach a copy of the last available financial statements***

**43 Companies**

**43A** Have you been a director or had a management role in a company at any time in the last 5 years? No  Go to **Q 44** Yes  *please give details*

If you have operated more than one company please **copy** this section, complete and attach.

Company Name	
ABN	
Registered Address	
Trading Name	
Nature of company activity	
Is this a trustee company? If yes, what is the name of the trust?	

Officeholder positions held by you in the last 2 years  
 Director  Date resigned  /  /   
 Secretary  Date resigned  /  /

**43B** Has a liquidator, receiver or administrator been appointed to manage the company? No  Yes  *please give details*

Name	
Address	

**43C** Is a dividend or distribution expected? No  Yes  *please give details*

**43D** Does the company owe you any wages, loans or any other money? No  Yes  *please give details*

Description	Amount owed
	\$
	\$

**43E** Do you own, or have you at any time during the last 5 years owned any shares in this company? No  Yes  *please give details*

No. of shares	Date sold	Transferee name and address	Sale proceeds
			\$
			\$

**43F** Have you transferred any assets to the company in the last 5 years? No  Yes  *please give details*

Description of asset	Date of transfer	Value of asset	Money you received
		\$	\$
		\$	\$

**43G** Who prepares the financial statements and tax returns?

Name	
Address	
Phone No.	

**Attach a copy of the last available financial statements**

**44 Trusts**

**44A** Have you been a unit holder in or beneficiary of a trust in the last 5 years; **OR**

**44B** Have you transferred any assets to a trust in the last 5 years? No  Yes  *please give details*

If you have been involved in more than one trust please **copy** this section, complete and attach.

Trust Name						
Principal activity						
Type of trust	Unit	<input type="checkbox"/>	Discretionary	<input type="checkbox"/>	Other	<input type="checkbox"/>
Trustee's Name						
Trustee's Address						

**44C** Are there assets owned by the trust? No  Yes  *please give details*

Asset Description	Resale Value
	\$
	\$
	\$

**44D** Does the trust owe you any wages, loans or other money? No  Yes  *please give details*

Description	Amount owed
	\$
	\$

**44E** Have you received any income or capital distribution from this trust in the last 2 years? No  Yes  *please give details*

How often do you receive a distribution	Date of last payment	Amount of last payment
		\$

**44F** Have you transferred any assets to the trust in the last 5 years? No  Yes  *please give details*

Description of asset	Date of transfer	Value of asset	Money you received
		\$	\$
		\$	\$
		\$	\$

**44G** Name and address of the person holding the trust deed, books of account and financial statements.

Name			
Address			
Phone No.		Email address	

***Attach a copy of the last available financial statements***

## DECLARATION

**Note:** S267(2) of the Bankruptcy Act provides that a person must not sign a declaration that the person knows to be false. **Penalty:** Imprisonment for 12 months.

I declare that the particulars set out in this statement are correct.

<i>Signature</i>	<i>Date</i> /     /
------------------	---------------------

**If you received assistance completing this form, the person providing the assistance should sign the statement below.**

I declare that before this statement of affairs was completed; I carefully read and interpreted the questions on this form to the person named above in a language with which we are both familiar.

The responses provided in this form are that of the person named above.

<i>Signature</i>	<i>Date</i> /     /
------------------	---------------------

Full Name

Address

Reason the person required your assistance?


## CHECKLIST FOR STATEMENT OF AFFAIRS

- \* Have you answered **every question in Parts A, B, C, D and E**. **Part E** must be completed if you have been involved in a **business/ company/ trust** in the last 5 years.
- \* Have you attached all **documentation** you have been asked to provide.

### Document checklist

Question		Document required
5	Child support	Child Support Agreement/Assessment Notice
6	Family law financial proceedings	Family law or spousal maintenance order or application
7	Legal actions	Summons, writ or other documents
8	Proceeds of Crime	Court order or application
9	Income	Payslip/Tax Assessment Notice/Centrelink Statement of Benefit
32	Deceased estate	Copy of the will
33	Sale, transfer or gift of assets	Property settlement statement
41D	Sole Trader/Partnership	Partnership Agreement
42B	Security over business assets	Bill of sale or other security document/agreement
42F	Sole Trader/Partnership	Last available financial statements
43G	Companies	Last available financial statements
44G	Trusts	Last available financial statements

## Lodging your bankruptcy papers

Please lodge this form, with ITSA, along with any attachments, either by mail or in person, with your closest ITSA office **within 28 days from the date you sign.**

ITSA addresses where this form may be lodged are listed below.

If you have arranged for a Registered Trustee to administer your estate, the trustee's consent in the approved form must be attached to this booklet before it is lodged with ITSA. The consent form is available from your trustee or from ITSA's website – [www.itsa.gov.au](http://www.itsa.gov.au).

ITSA Office	Postal Address	Street Address	Contacts
Adelaide	GPO Box 2604 Adelaide SA 5001	Level 9, 80 King William St Adelaide SA 5000	Tel: 1300 364 785 Fax: 08 8112 4305 Email: <a href="mailto:registry@itsa.gov.au">registry@itsa.gov.au</a>
Brisbane	PO Box 10443 Adelaide St Brisbane QLD 4000	Level 16, 340 Adelaide St Brisbane QLD 4000	Tel: 1300 364 785 Fax: 07 3360 5466 Email: <a href="mailto:registry@itsa.gov.au">registry@itsa.gov.au</a>
Melbourne	GPO Box 2851 Melbourne VIC 3001	Level 16, 300 La Trobe St Melbourne VIC 3000	Tel: 1300 364 785 Fax: 03 8631 4900 Email: <a href="mailto:registry@itsa.gov.au">registry@itsa.gov.au</a>
Perth	GPO Box H536 Perth WA 6841	Level 12, Durack Centre 263 Adelaide Tce Perth WA 6000	Tel: 1300 364 785 Fax: 08 9268 1298 Email: <a href="mailto:registry@itsa.gov.au">registry@itsa.gov.au</a>
Sydney	GPO Box 548 Sydney NSW 2001	Level 4, 201 Elizabeth Street Sydney NSW 2000	Tel: 1300 364 785 Fax: 02 8233 7891 DX 1061 SYDNEY Email: <a href="mailto:registry@itsa.gov.au">registry@itsa.gov.au</a>