



Australian Government

Insolvency and Trustee Service Australia

INFORMATION and REGISTRY

OFFICIAL RECEIVER PRACTICE STATEMENT

Maintaining the NATIONAL PERSONAL INSOLVENCY INDEX

Revised June 2010

If you have any comments, suggestions or queries on a matter referred to in this Practice Statement, please contact us at any time by telephone on 1300 364 785 or by [email](#) .

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What is the National Personal Insolvency Index

The National Public Insolvency Index (or NPII) is a publicly available and permanent electronic record of all personal insolvency proceedings in Australia.

The Inspector General 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).

The Official Receiver¹ for each Bankruptcy District has a statutory responsibility to maintain the index on behalf of the Inspector General.

The Purpose of the NPII

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

What is recorded on the NPII

Information entered on the NPII is prescribed by Regulation 13.03 and Schedule 8 of the *Bankruptcy Act 1966*. The information is sourced from documents that are lodged with the Official Receiver or Inspector General.

Information recorded on the NPII includes:

- 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 commenced - and
- the current status of the administration or proceeding - for example: whether a person is discharged from a bankruptcy.

Some documents or information given to the Official Receiver may require assessment or verification before the relevant information can be entered on the NPII.

Information is generally entered on the NPII on the same day that the originating document is accepted by the Official Receiver as complete or the information has been verified.

A comprehensive table of events that are recorded on the NPII, the source documents used, and the assessments performed are shown at [Annexure 1](#).

¹ a reference to the Official Receiver in this paper also refers to a delegate of the Official Receiver'

Type of Administration or Proceeding

Registration of a person on the NPII will always be connected with an administration or proceeding. The following are the types of matters recorded on the NPII:

- Creditor's Petition
- Bankruptcy
- Debt Agreement Proposal – where the proposal is accepted for processing
- Debt Agreement
- Section 188 Authority (Personal Insolvency Agreement Proposal)
- Personal Insolvency Agreement
- Part XI Administration Order (insolvent deceased estate)
- Section 50 Order (pre bankruptcy property control order).

Personal Information of a debtor

Personal information regarding any person who is subject to an administration or proceeding under the Bankruptcy 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)

All personal information registered on the NPII is entered exactly as it is written on the source document - for example - if a person has written their name on the document as *Micheal* then that is how it appears on the NPII.

Personal information including address and occupation is not changed once it is registered on the NPII. If the Official Receiver is advised of a change in a person's name and evidence is provided to support the change in name, the new name is registered as an 'alias' and appears on the NPII as an alias - for example - change of name evidenced by a copy of a marriage certificate or certificate of change of name by deed poll.

Any changes of address or occupation that occur during the course of an administration do not appear on the NPII.

Aliases

An alias is registered where it is established that the person is known or has been known by other names.

Establishment of an alias is by

- a) 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.
- b) 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.
- c) a written statement from the trustee of the administration that, based on their investigation, they have determined that the debtor is also known by another name.

Suppressing personal information

If a debtor 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 Official Receiver, together with documents that support the application.

A person's name, date of birth and details of the administration or proceeding cannot be suppressed.

Examples of documents that will assist in the assessment of an application include:

- Domestic Violence Order (or similar type of order)
- Police Report regarding threats of personal violence
- Report from a social worker, medical practitioner, psychiatrist or other relevant practitioner.

Decisions to suppress information are usually made by the Official Receiver. The Official Receiver must consider each application without delay and a decision is usually made within one (1) day of receipt of the necessary information.

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 by the Official Receiver, the right to appeal to the Administrative Appeals Tribunal is available.

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

Where a person who is placed on a witness protection program is, or becomes subject to an administration or proceeding under the *Bankruptcy Act 1966*, 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.

A request to withhold identifying information from the NPII is made by the relevant police department and is dealt with by the Official Receiver.

Trustee or Administrator

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 phone number.

Where a Creditor's Petition proceeding is recorded, the contact details of the solicitor acting for the creditor and/or the creditor's contact details appear.

A trustee or administrator can be changed during an administration. Where this occurs the NPII is updated from documents filed with the Official Receiver.

A record is maintained on the NPII of all persons who are, or have applied to be registered as trustees or debt agreement administrators.

Details regarding the registration and regulation of a Trustee or Debt Agreement Administrator can be found on ITSA's web site at [Regulation of Practitioners](#).

Integrity of NPII information

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.

Correcting NPII information

Corrections to information on the NPII are made as a matter of high priority. Any records that are found to be inaccurate or duplicated should immediately be brought to the attention of the Official Receiver. Any correction to the NPII can be made only with the authorisation of the Official Receiver or a person acting under delegation from the Official Receiver.

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).

Removing NPII records

Entries on the NPII are not removed except under the following circumstances:

- a) the Federal Court or Federal Magistrate's Court directs removal of a particular entry from the NPII - for example - a Sequestration Order is set aside.
- b) 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
- c) an internal administrative error has occurred when processing a document.

Where an annulment of a bankruptcy is made for any reason, the NPII record is not removed; it is updated to reflect the fact that the bankruptcy has been annulled.

Access to the NPII

Any person can, for a fee, gain access to the information maintained on the NPII

A search of the NPII is usually conducted through Index Search Agents (or information brokers) who have been authorised by ITSA to provide real-time online searches.

Public searches

The types of NPII extracts that may be purchased are -

- a) 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.
- b) Should a search on the NPII find no matching record, an extract may be purchased that will state no matching record was found.
- c) Should a search find two or more matches or close name matches, a Browse List may be purchased to assist with selection of the exact record that is being sought. The Browse List will display summary data of up to 50 matches and/or near matches to the search criteria.

An extract from the NPII can be used to prove that a person is subject to an administration or proceeding under the *Bankruptcy Act 1966*.²

² Regulations 13.07 and 13.10 of the Bankruptcy Act 1966

Access for law enforcement purposes

Searches for law enforcement or related purposes by Federal, State or Territory government agencies may be requested through ITSA. A fee exemption may apply.

Searches for law enforcement purposes are defined as those relating to a prosecution or proposed prosecution for possible breaches of legislation. Fees will not be waived where an NPII search for example, forms part of that agency's security clearance for employment, recruiting or licensing purposes.

For each law enforcement search conducted, the agency must certify that the search is being made for a specific law enforcement purpose.

Access for approved organisations to subsets of information

The Inspector General may authorise the electronic provision of subsets of NPII information to approved organisations on a periodic or ad hoc basis.

Principles guiding the provision of NPII information in this manner are contained in the document attached at [Annexure 2](#) - Inspector-General's discretion to provide a subset of NPII information.

Application for access is made by an organisation in writing and must be directed to the Inspector General.

Fees

Fees for searching the NPII through an [Index Search Agent](#) are set by the respective agents.

Fees for access to the NPII by approved organisations through ITSA are available on request.

Further Information

<http://www.itsa.gov.au> - [bankruptcy searches](#)

[Bankruptcy Regulations - Part 13](#)

[Bankruptcy Regulations - Schedule 8](#)

[Bankruptcy \(Fees and Remuneration\) Determination 2010](#)

Annexures

Annexure 1 - Table of documents filed affecting the NPII

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
CREDITOR'S PETITIONS See also practice statement Bankruptcy by Creditors Petition				
Creditor petitions the Federal Court or Federal Magistrate's Court for bankruptcy of a debtor	S43 S47 R4.05	Copy of the Creditor's Petition filed within 3 working days of filing in the court May also have a Registered Trustee's Consent attached	Ensures document has been filed with the court Checks for Registered Trustee's Consent Registers new Creditor's Petition	<ul style="list-style-type: none"> ▪ Administration Type - Creditor's Petition ▪ Court reference ▪ Debtor's details ▪ Names and contact details of <ul style="list-style-type: none"> ○ the petitioning creditor ○ the petitioning creditor's solicitor ▪ Date petition filed in the Federal Court ▪ Date the Court will hear the petition
Adjournment of Creditor's Petition hearing			Data entered	<ul style="list-style-type: none"> ▪ Date the Court heard the petition ▪ Next date of hearing
Dismissal or withdrawal of Creditor's Petition			Data entered	<ul style="list-style-type: none"> ▪ Date ended - date petition dismissed or withdrawn ▪ Status (result) - petition dismissed or withdrawn
Creditor substitution			Data entered	<ul style="list-style-type: none"> ▪ Petitioning creditor and/or the creditor's solicitor details
Sequestration Order made (see also Bankruptcy below)		Sealed copy of the Sequestration Order filed within 2 days of order being made	Ensures copy of the Court Order has been sealed Data entered	<ul style="list-style-type: none"> ▪ Dated ended - date the Court makes the Order ▪ Status (result) - Sequestration Order made

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
BANKRUPTCY (Part IV of the Bankruptcy Act 1966) See also practice statements Bankruptcy by Creditors Petition and Debtor's Petitions				
The Court makes a Sequestration Order (bankruptcy)	S52	Sealed copy of the Sequestration Order filed within 2 days of order being made	Ensures copy of the Court Order has been sealed Registers new bankruptcy (Sequestration Order) Debtor notified	<ul style="list-style-type: none"> ▪ Administration and petition type - Bankruptcy - Sequestration Order ▪ Date filed - date the Court made the order (date of bankruptcy) ▪ Bankrupts details ▪ Names and contact details of <ul style="list-style-type: none"> ○ the petitioning creditor ○ the creditor's solicitor
Registered Trustee agrees to be trustee of a bankrupt estate - (if no trustee has consented, Official Trustee is appointed by default)	S156A	Trustee Consent - Form 12	Ensures compliance with approved form and form is complete Trustee entered against the administration	<ul style="list-style-type: none"> ▪ The trustee's name and contact details
Debtor completes and files Statement of Affairs as a result of the Sequestration Order	S54	Statement of Affairs - Form 3	Ensures compliance with approved form and form is complete Data entered and creditors notified Copy of statement of affairs given to Trustee	<ul style="list-style-type: none"> ▪ Date Statement of Affairs filed with the Official Receiver
Debtor completes and files a debtor's petition for bankruptcy	S55 S55A-F S57 S57A	Debtor's Petition Statement of Affairs (Forms 6 and 3)	Refers to practice statement Debtor's Petitions Ensures debtor is eligible, has complied with approved forms and forms are complete If debtor's petition is accepted: <ul style="list-style-type: none"> ◆ new bankruptcy registered (debtor's petition) ◆ Trustee entered against the 	<ul style="list-style-type: none"> ▪ Administration and petition type - Bankruptcy - Debtor's Petition ▪ Bankrupts details ▪ Date filed - date of bankruptcy ▪ Date Statement of Affairs filed with the Official Receiver ▪ The trustee's name and contact details

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
			administration and sent Certificate of appointment ♦ Data entered and debtor and creditor's notified	
Registered Trustee agrees to be trustee of a bankrupt estate - (if no trustee has consented, Official Trustee is appointed by default)	S156A R4.12	Trustee consent form - filed at the same time as Debtor's Petition and Statement of Affairs forms	Ensures Trustee consent form attached to Debtor's Petition & Statement of Affairs Ensures compliance with approved form and form is complete. Trustee entered against the administration and sent Certificate of appointment	<ul style="list-style-type: none"> ▪ The trustee's name and contact details
Ending a bankruptcy - see also information at bankruptcy overview				
Automatic discharge from bankruptcy by law	S149	No documentation necessary	No action necessary	<ul style="list-style-type: none"> ▪ Date ended - date of discharge ▪ Status (result) - Discharge by Law
Creditors accept bankrupt's proposal for composition or scheme of arrangement	S74	Notice of Annulment	Ensures document sets out required information Annulment data entered	<ul style="list-style-type: none"> ▪ Date ended - date the creditors accepted the proposal ▪ Status (result) - S.74 Annulment - Debts Settled
New trustee appointed to composition/scheme of arrangement	S73B	Trustee's consent - Form 12	Ensures compliance with approved form and form is complete Trustee data entered	<ul style="list-style-type: none"> ▪ New trustee details ▪ Date of appointment
Termination or setting aside of composition or scheme of arrangement	S76B	Trustee's advice of termination or setting aside plus sealed copy of court orders	Data entered	<ul style="list-style-type: none"> ▪ Date ended - date of termination or setting aside ▪ Status (result) - S74 Annulment terminated or set aside
Debtor pays all debts and bankruptcy is annulled	S153A	Trustee files Annulment Certificate	Annulment data entered	<ul style="list-style-type: none"> ▪ Date ended - Date of annulment ▪ Status (result) - S.153A Annulment

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
				- Payment in full
Court orders annulment	S153B	Court Order filed within 2 days by applicant	Ensures copy of the order has been sealed Discharge data entered	<ul style="list-style-type: none"> ▪ Date ended - date the court order is made ▪ Status (result) - S.153B Annulment - Court Order
Objection to discharge from a bankruptcy				
Trustee objects to debtor's discharge	S149B S149C S149D S149G	Notice of Objection to discharge	Ensures document complete <ul style="list-style-type: none"> ▪ grounds are stated ▪ evidence is provided ▪ reason for objection stated Objection data is entered (note: the objection has no effect until it is registered on the NPII)	<ul style="list-style-type: none"> ▪ The grounds of the objection ▪ Date the objection data is registered on the NPII ▪ Name of the trustee who requested the objection to be lodged
Trustee ceases to object or trustee or the Official Receiver withdraws an objection to discharge	S149H S149J	Notice of cessation or notice of withdrawal of objection	Ensures grounds are stated Objection data entered (note: ceasing or withdrawing an objection to discharge takes effect from date the data is entered)	<ul style="list-style-type: none"> ▪ Cessation or withdrawal of particular grounds of objection ▪ Date the cessation or withdrawal is registered on the NPII ▪ Name of the trustee or the Official Receiver who lodged the cessation or withdrawal notice
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"> ▪ Cancellation of particular grounds of objection ▪ Date of effect of the cancellation
Administrative Appeals Tribunal sets aside an objection to discharge	R7.02	Outcome of review of Administrative Appeals Tribunal	Objection data entered	<ul style="list-style-type: none"> ▪ Outcome of the review ▪ Date of the decision of the Administrative Appeals Tribunal
TRUSTEE of ADMINISTRATION				
Trustee finalises administration	S184 S184A	Notification of finalisation of	Finalisation data entered.	

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
	R8.14	administration		
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	Ensures compliance with current forms and forms are complete If Court Order, order has been sealed Data entered against particular administration or proceeding Certificate of appointment sent to new trustee.	<ul style="list-style-type: none"> ▪ New trustee details
Bankruptcy proceedings stayed by application of farmers debts assistance	S253C S253E	Copy of the Court Order - Notice of stay of proceedings– drought assistance	Ensures Court Order sealed Data entered against particular proceeding	<ul style="list-style-type: none"> ▪ Date of order ▪ Period of stay
DEBT AGREEMENTS (Part IX of the Bankruptcy Act 1966) - see also www.itsa.gov.au/Debt Agreements				
Debtor gives a proposal for a debt agreement to the Official Receiver for consideration by creditors	S185C S185D S185F	Debt agreement proposal Explanatory Statement Statement of affairs	Ensures debtor is eligible, ensures compliance and clarity of proposal Accepts or rejects proposal for processing Proposal data entered Complying proposal sent to creditors	<ul style="list-style-type: none"> ▪ Administration Type - Debt Agreement Proposal ▪ Details of debtor ▪ Date proposal accepted for processing ▪ Name and address of processor of proposal ▪ Date proposal lapses (if at all)
Debt Agreement Administrator consents to administer debt agreement		Certificate of consent	Particulars of DAA entered	<ul style="list-style-type: none"> ▪ Particulars of DAA if debt agreement made.
Proposal withdrawn or cancelled		Debtor's letter of withdrawal or Notice of cancellation from Official Receiver	End data entered	<ul style="list-style-type: none"> ▪ Date ended - date of withdrawal or cancellation of proposal ▪ Status (result) - withdrawn or cancelled

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
Creditors vote on Debt agreement proposal	S185J	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"> ▪ Date proposal given ▪ Date the making of the debt agreement or rejection of the proposal was entered on the NPII ▪ Status (result) - accepted or rejected ▪ Particulars of Debt Agreement Administrator (if debt agreement made)
ENDING or COMPLETING a DEBT AGREEMENT				
Debt Agreement completed	S185N	Notice of Completion from Debt Agreement Administrator and Certificate of Completion of Debt Agreement from Official Receiver	For a DA made on 1 July 2007 and later: <ul style="list-style-type: none"> ♦ ensures compliance with approved form ♦ ensures both Notice of completions from DAA has been received and Certificate of Completion has been issued by Official Receiver Completion data entered Debtor notified	<ul style="list-style-type: none"> ▪ Date ended - Date the Official Receiver gives debtor certificate of completion ▪ Status (result) - Debt Agreement completed
Proposal to terminate given by creditor or debtor	S185P	Proposal to terminate Explanatory Statement	Ensures compliance with approved forms Processes the proposal	<ul style="list-style-type: none"> ▪ N/A
Creditors vote to terminate Debt Agreement	S185PC	Result of vote of creditors - either statements of claim and voting or minutes of a creditors' meeting (if held)	Termination of Debt Agreement data entered Parties notified	<ul style="list-style-type: none"> ▪ Date ended - Date of acceptance of Debt Agreement proposal to terminate ▪ Status (result) - Debt Agreement terminated

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
Debtor defaults in making Debt Agreement payments for a period of 6 months	S185QA	Notification from DAA of designated 6 month arrears default	Satisfied that default has occurred Termination data entered Parties notified in writing	<ul style="list-style-type: none"> ▪ Date ended - date when declaration recorded on NPII ▪ Status (result) - Debt Agreement terminated
Application is made to the Court and the court orders termination or voiding of a debt agreement.	S185Q S185T S185U	Court Order filed within 2 days of order made	Ensures Court Order sealed Data entered Parties notified	<ul style="list-style-type: none"> ▪ Date ended - date of Court Order ▪ Status (result) - Debt Agreement terminated or voided by Court
Debt Agreement Administrator changes <ul style="list-style-type: none"> ♦ proposal to vary given ♦ Official Receiver appoints ♦ Official Trustee replaces a DAA who dies ♦ registration ceases ♦ DAA becomes ineligible ♦ Bankruptcy Regulation cease registration of a DAA 	S185ZC S185ZA	Proposal to Vary and subsequent vote by creditors Notification from Official Receiver, Official Trustee or Bankruptcy Regulation	Ensures compliance with current forms and forms are complete Data entered against particular Debt Agreement	<ul style="list-style-type: none"> ▪ Particulars of the new Debt Agreement Administrator ▪ Date of appointment of new DAA
PERSONAL INSOLVENCY AGREEMENTS (Part X of the Bankruptcy Act 1966) see also Practice Statement Setting up a Personal Insolvency Agreement				
Debtor decides to propose Personal Insolvency Agreement	S188	S188 Authority filed within 2 working days of trustee's consent Statement of Affairs	Ensures compliance with approved forms and forms are complete Registers new S188 Authority	<ul style="list-style-type: none"> ▪ Administration Type - S188 Authority ▪ Debtor's details ▪ Controlling Trustee details ▪ Date of S.188 authority ▪ Date Statement of Affairs is filed
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	Data entered	<ul style="list-style-type: none"> ▪ Date of termination of control of controlling trustee

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
		Official Trustee		<ul style="list-style-type: none"> ▪ Date and details of new controlling trustee
Creditors vote to accept proposed Personal Insolvency Agreement and to appoint registered trustee	S204 S218 S215A	Notification of execution of Personal Insolvency Agreement and copy of the agreement Appointment of trustee	Registers new Personal Insolvency Agreement	<ul style="list-style-type: none"> ▪ Administration type - Personal Insolvency Agreement ▪ Debtor's details ▪ Details of each trustee ▪ Date of execution of PIA document ▪ Date statement of affairs filed
Debtor discharges obligations under the Personal Insolvency Agreement	S232 R10.14	Trustee gives debtor certificate of completion and files copy with Official Receiver	PIA data entered	<ul style="list-style-type: none"> ▪ Date ended - date when the trustee signed the certificate of completion ▪ Status (result) - Terms of PIA completed
Creditors vote to terminate PIA A pre determined PIA terminating event occurs Federal Court orders that the PIA be set aside	S221 S222 S222A S222C S224A	Notice of termination or Court Order	PIA data entered Ensures court order is sealed.	<ul style="list-style-type: none"> ▪ Date ended - date of termination or Order to set aside ▪ Status (result) - PIA terminated or set aside ▪ If a sequestration order has been made, Sequestration Order made and the date the order was made.
ADMINISTRATION ORDER (Part XI of the Bankruptcy Act 1966) - see also practice statement Administration Orders - Insolvent Deceased Estates				
Creditor or Administrator applies to the Court for a deceased estate to be administered under Part XI of the Bankruptcy Act	S244 S245 S244	Creditor's Petition or Administrator's Petition	Ensures document has been filed with the court Checks for Registered Trustee's Consent Registers new Creditor's Petition	<ul style="list-style-type: none"> ▪ Petition Type - Creditor's Petition ▪ Details of the deceased person ▪ Name of petitioning creditor or Administrator of the deceased estate ▪ Names and contact details of petitioning creditor or administrator's solicitor ▪ Date petition filed in the Federal Court

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
				<ul style="list-style-type: none"> ▪ Date the Court will hear the petition
<p>On the petition of a creditor(s) the Court makes an order for a deceased estate to be administered under Part XI</p> <p>Statement of Affairs filed by Administrator of deceased estate</p>	<p>S244</p> <p>S246</p>	<p>Administration Order under Part XI Trustees Consent (if any)</p> <p>Statement of Affairs for a Part XI</p>	<p>Ensures Court Order sealed Registers new Administration Order (Part XI)</p> <p>Ensures compliance with approved form and form is complete Enters data</p>	<ul style="list-style-type: none"> ▪ Administration type - Administration Order (Part XI) ▪ Date of order ▪ Date statement of affairs filed ▪ Details of the deceased person ▪ Details of the administrator and the administrator's solicitors ▪ Name and contact details of trustee
<p>On the application of Administrator of a deceased estate , the Court makes an order for the deceased estate to be administered under Part XI</p> <p>Administrator of deceased estate completes and forwards statement of affairs</p>	<p>S247</p> <p>S246</p>	<p>Administration Order under Part XI Trustees Consent (if any)</p> <p>Statement of Affairs for a Part XI</p>	<p>Ensures Court Order sealed Registers new Administration Order (Part XI)</p> <p>Ensures compliance with approved form and form is complete</p>	<ul style="list-style-type: none"> ▪ Administration type - Administration Order (Part XI) ▪ Date of order ▪ Details of the deceased person ▪ Date statement of affairs filed ▪ Details of the administrator and the administrator's solicitors ▪ Name and contact details of trustee
<p>Registered Trustee consents to be trustee of the administration - (if no trustee has consented, Official Trustee is appointed by default)</p>	<p>S156A</p>	<p>Trustee Consent form</p>	<p>Ensures compliance with approved form and the form is complete Trustee entered against the administration</p>	<ul style="list-style-type: none"> ▪ Name and contact details of trustee
<p>Debts paid in full</p>	<p>S252A</p>	<p>Certificate of annulment received from the Trustee</p>	<p>Annulment data entered</p>	<ul style="list-style-type: none"> ▪ Date ended - date of annulment ▪ Status (result) - S252A Annulment - Paid in Full
<p>Court orders annulment of the Administration Order</p>	<p>S252B</p>		<p>Ensures Court Order sealed Annulment data entered</p>	<ul style="list-style-type: none"> ▪ Date ended - date of annulment ▪ Status (result) - S252B Annulment - Court Order

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
Discharge	n/a		n/a	Discharge under S.149 does not apply to a Part XI Administration Order
PROPERTY CONTROL ORDER (S50)				
Federal Court (or Federal Magistrate's Court) makes an order for a trustee to take control of a debtor's property before bankruptcy	S50	Copy of the Court Order	Ensures Court Order sealed Registers new S50 Order	<ul style="list-style-type: none"> ▪ Administration type - S.50 Order ▪ Date the Court Order was made ▪ Debtor's details ▪ Name and contact details of the trustee ▪ Date the trustee's control ends
REGISTRATION OF TRUSTEES AND DEBT AGREEMENT ADMINISTRATORS see also www.itsa.gov.au/Regulation of Practitioners				
Person applies for registration as a Trustee	S154A	Form 10 - Application for registration as a trustee	Bankruptcy Regulation creates and maintains record	<ul style="list-style-type: none"> ▪ Registered Trustee Application ▪ Details of applicant ▪ Date of application
Person is registered as a Trustee	S155C(2)	Inspector General decision on application based on committee decision	Bankruptcy Regulation creates and maintains record	<ul style="list-style-type: none"> ▪ Registered Trustee ▪ Details of trustee ▪ Date the trustee's registration commences
Trustee applies for change of conditions on practising as a registered trustee	S155E S155F	Form 11 - Application for change of conditions on practising as a registered trustee	Bankruptcy Regulation creates and maintains record	<ul style="list-style-type: none"> ▪ Details of trustee ▪ Date of application
Decision on application for change of conditions	S155F	Inspector General decision on application based on committee decision	Bankruptcy Regulation creates and maintains record	<ul style="list-style-type: none"> ▪ Details of trustee ▪ Date and effect of decision
Trustee requests voluntary termination of registration	S155G	Written request from trustee	Bankruptcy Regulation maintains record	<ul style="list-style-type: none"> ▪ Resignation of Trustee ▪ Date Trustee registration ceases

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
Decision made for involuntary termination of trustee registration	S155H S155I	Inspector General decision on application based on committee decision	Bankruptcy Regulation maintains record	<ul style="list-style-type: none"> ▪ Termination of Trustee ▪ Date registration of trustee ceases
Person ineligible to be a Debt Agreement Administrator	R9.04(1)(f) R9.06(4)	Inspector General decision based on committee decision	Bankruptcy Regulation maintains record	<ul style="list-style-type: none"> ▪ Details of Debt Agreement Administrator ▪ Ineligibility of Debt Agreement Administrator ▪ Date ineligibility takes effect
Person applies for registration as a Debt Agreement Administrator	S186B	Form 24 - Application to be registered as a Debt Agreement Administrator	Bankruptcy Regulation creates and maintains record	<ul style="list-style-type: none"> ▪ Registered Debt Agreement Administrator - Application or Registration or Refusal of Application ▪ Details of Debt Agreement Administrator ▪ Date of Application or ▪ Date of refusal of application
Registration as a Debt Agreement Administrator	S186D S186F	Inspector General decision on application based on committee decision	Bankruptcy Regulation and maintains record	<ul style="list-style-type: none"> ▪ Details of Registered Debt Agreement Administrator ▪ Date registration commences ▪ Any conditions applying to registration
Debt Agreement Administrator applies to change or remove registration conditions	S186H	Form 25 - Application to change or remove conditions imposed on the registration of a debt agreement administrator	Bankruptcy Regulation maintains record	<ul style="list-style-type: none"> ▪ Details of administrator ▪ Date of application ▪ Result of application
Debt Agreement Administrator applies to surrender registration	S186J	Form 26 - Application for surrender of registration as a registered debt	Bankruptcy Regulation maintains record	<ul style="list-style-type: none"> ▪ Details of administrator ▪ Date application received ▪ Date of Inspector-General decision

NPII EVENT	Section or Reg. of the Bcy Act	Document filed with the Official Receiver	Action by the Official Receiver	Data input that appears on the NPII
		agreement administrator		and date registration of debt agreement administrator ceases
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	Bankruptcy Regulation maintains record	<ul style="list-style-type: none"> ▪ Date registration of debt agreement administrator ceases
Registered Debt Agreement Administrator ceases	S185ZCA S186J S186K S186L	Notice of request to surrender or cancellation of registration Notice of Resignation	Bankruptcy Regulation maintains record	<ul style="list-style-type: none"> ▪ Details of reason for end of registration ▪ Date end of Registration

Annexure 2 - Inspector General's Discretion to provide a subset of NPII Information

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 item 2.03 of the *Bankruptcy (Fees and Remuneration) Determination 2010*. The issues covered are:

- who is entitled to receive this information;
- what information they are entitled to receive;
- how the information will be provided; and
- 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 item 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 large³. 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; and
- 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.

³ 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.

As the NPPI 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 NPPI information as defined in Schedule 8 of the Bankruptcy Regulations.

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

- major creditors wanting to confirm that they have been correctly identified by debtors and bankrupts;
- 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; and
- 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 NPPI. 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; and
- the name of the trustee or administrator.

This direction does not cover information which is not included on the NPPI. Other requests for information held by ITSA which is not publicly available will be considered on their merits and in line with the Information Privacy Principles in the *Privacy Act 1988*.

The Inspector-General is entitled to refuse to provide information contained in the NPPI where the Inspector-General forms that 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 that 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 ITSA'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 item 2.03 of the [*Bankruptcy \(Fees and Remuneration\) Determination 2010*](#).

Conditions on use of the information

The Inspector-General will provide information under item 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).

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