



## Filing requirements

The *Bankruptcy Act 1966*, *Bankruptcy Regulations 1996* and *Bankruptcy (Estate Charges) Act 1997* contain requirements relating to lodging documents with, or making applications or notifying events to, the Official Receiver or Inspector-General in Bankruptcy.

These requirements are summarised in the following table of filing requirements which specifies:

- the party required to lodge/apply/notify
- the preferred method of lodgment/application/notification
- whether any time limits apply
- whether any fees apply
- penalties for late or non-compliance where applicable.

Application or Lodgment Type	Debtor	Creditor	Trustee	DAA	Other	Preferred method of lodgment	Timeframe for making application or lodging document	Lodge with	Lodgment fee	Late penalty units <sup>[1]</sup>	Legislative Reference
1. Application: Issue of a bankruptcy notice		Creditor				<a href="#">Online Services</a>	Within 6 years of the date of judgment supporting Bankruptcy Notice application. Refer <a href="#">Official Receiver's Practice Statement on Issue of Bankruptcy Notices</a> .	Registry	Y	N	41  R4.01 R4.02
2. Application: Extension of time for bankruptcy notice		Creditor				<a href="#">Online Services</a>	Within a reasonable time after the issue of the Bankruptcy Notice. Refer <a href="#">Official Receiver's Practice Statement on Issue of Bankruptcy Notices</a> .	Registry	Y	N	R4.02A
3. Application: Amendment of bankruptcy notice		Creditor				<a href="#">Online Services</a>	Prior to the service of the Bankruptcy Notice on the debtor. Refer <a href="#">Official Receiver's Practice Statement on Issue of Bankruptcy Notices</a> .	Registry	N	N	
4. Lodgment: Sequestration order		Creditor				<a href="#">Email</a>	Within 2 days of the order being made by the Court  Refer <a href="#">Official Receiver's Practice Statement on Creditor Petition Bankruptcies</a>	Registry	N	1	52(1A)

5.	Lodgment: Creditor's petition (including orders dismissing, staying, extending or adjourning the creditors petition)		Creditor				<a href="#">Email</a>	Within 2 working days of endorsement of the petition/order by the Court  Refer <a href="#">Official Receiver's Practice Statement on Creditor Petition Bankruptcies</a>	Registry	N	N	44  R4.05(1)  R4.05(3)
6.	Lodgment: Control Order		Creditor				<a href="#">Email</a>	Within 7 days of Court making the order (must also serve on the trustee and Official Receiver – where the trustee is not the Official Trustee)  Refer <a href="#">Official Receiver's Practice Statement on Creditor Petition Bankruptcies</a>	Registry	N	N	50  R 4.06
7.	Lodgment: Statement of Affairs where a Sequestration Order has been made	Debtor					<a href="#">Email</a> <a href="#">Post</a>	Within 14 days of being notified of the order  Refer <a href="#">Official Receiver's Practice Statement on filing of Statement of Affairs</a>	Registry	N	N	54(1)&(2)
8.	Application: Declaration of Intention to present a Debtor's Petition	Debtor					<a href="#">Email</a> <a href="#">Post</a>	Within 28 days of debtor signing the form. Refer <a href="#">Official Receiver Practice Statement on Declaration of Intention to present a Debtor's Petition.</a>	Registry	N	N	54A
9.	Application: Debtor's Petition & Statement of Affairs	Debtor					<a href="#">Email</a> <a href="#">Post</a>	Within 28 days of debtor signing the SoA form. Refer <a href="#">Official Receiver Practice Statement on Debtor's Petitions.</a>	Registry	N	N	55  56B  57
10.	Lodgment: Composition proposal from a debtor		Trustee				<a href="#">Email</a>	Within 2 working days of receiving the proposal	Registry	N	1	73(1A)
11.	Lodgment: Declaration of relationship by trustee of a composition proposal, if different to the trustee of the bankruptcy		Trustee				<a href="#">Email</a>	At the time of distribution of the bankruptcy trustee's report on the proposal to creditors. Note – Consent to Act form signed by the proposed trustee makes provision for this declaration.	Registry	N	N	73B
12.	Lodgment: Annulment on acceptance of a composition proposal		Trustee				<a href="#">Email</a>	Within 2 days of the passage of the resolution accepting the composition proposal	Registry	N	1	74(5A)

13.	Application: Request to exercise OR powers			Trustee			<a href="#">Email</a>	No time limit, but subject to provisions of S127 which limits the time for trustees to claim certain properties  Refer <a href="#">Official Receiver's Practice Statement on exercising Official Receiver powers</a>	ORN	Y	N	77AA,  77C  81A  139ZL  139ZQ
14.	Application: Request to issue certificate evidencing charge			Trustee			<a href="#">Email</a>	No time limit, but subject to provisions of S127 which limits the time for trustees to claim certain properties  Refer <a href="#">Official Receiver's Practice Statement on exercising Official Receiver powers</a>	ORN	Y	N	139ZN  139ZR
15.	Application: Request for review of contribution assessment or hardship determination	Debtor					<a href="#">Email</a>	Within 60 Days after the date that the bankrupt is notified of the trustee's assessment/determination	Regulation	N	N	139ZA- ZE 139T(12)
16.	Application: Request for review of Supervised Account Regime	Debtor					<a href="#">Email</a>	Within 60 Days after the date that the bankrupt is notified of the trustee's decision	Regulation	N	N	139ZIO(3  )
17.	Lodgment: Objection to discharge from bankruptcy			Trustee			<a href="#">Email</a>	Before the bankrupt is discharged. It is however strongly recommended that trustees lodge objection notices at least 2 working days prior to date of discharge.	Registry	N	N	149B
18.	Lodgment: Advice of bankrupt's return to Australia where an objection was lodged			Trustee			<a href="#">Email</a>	Within 7 days of trustee becoming aware of the bankrupt's return to Australia	Registry	N	N	R7.01
19.	Lodgment: Cease or withdraw objection to discharge			Trustee			<a href="#">Email</a>	Upon trustee deciding to withdraw objection	Registry	N	N	149H  149J
20.	Lodgment: Outcome of review of an objection by the Inspector-General					Other	<a href="#">Email</a>	Upon the Inspector-General making a decision on the review application	Registry	N	N	149P
21.	Application: Request for review of notice of objection	Debtor					<a href="#">Email</a>	Within 60 Days after the date that the bankrupt is notified of the trustee's decision	Regulation	N	N	149K

22.	Lodgment: Outcome of AAT review of Inspector-General's decision regarding an objection			Trustee			<a href="#">Email</a>	Within 7 working days of being notified of the decision of the AAT	Registry	N	N	R7.02
23.	Lodgment: Certificate of annulment			Trustee			<a href="#">Email</a>	Within 2 days of payment of all debts	Registry	N	1	153A
24.	Lodgment: Court ordered annulment			Trustee		Other	<a href="#">Email</a>	Within 2 days of becoming aware of the order	Registry	N	1	153B
25.	Application: Registration as a Trustee					Other	<a href="#">Email</a>	No time limit	Regulation	Y	N	154A R8.01
26.	Application: Extension of registration			Trustee			<a href="#">Email</a>	Before the trustee's registration expires	Regulation	Y	N	155D R8.04
27.	Application: Removal of conditions on registration			Trustee			<a href="#">Email</a>	No time limit	Regulation	N	N	155E
28.	Application: Request by Registered Trustee to voluntarily cease to be registered			Trustee			<a href="#">Email</a>	No time limit	Regulation	N	N	155G
29.	Lodgment: Return of Registered Trustee registration certificate on cessation of registration			Trustee			Post	Within 7 days of registration ceasing	Regulation	N	1	155J(1)
30.	Lodgment: Change in Registered Trustee particulars			Trustee			<a href="#">Email</a>	Promptly	Regulation	N	N	R8.04A
31.	Lodgment: Trustee consent to act			Trustee			<a href="#">Email</a>	As soon as practicable after signing of the consent or within 2 working days of the Sequestration Order being made	Registry	N	N	156A R8.06
32.	Lodgment: Removal or appointment of trustee		Creditor	Trustee		Other	<a href="#">Email</a>	As soon as practicable after making of the Court order to remove or cancel the appointment of a trustee and appoint a new trustee; or the passage of a resolution appointing a new trustee	Registry	N	N	156A  157  179  181  R8.13
33.	Application: Request to call meeting			Creditor			<a href="#">Email</a>	No time limit - upon requisition by a creditor	Registry	N	N	159
34.	Lodgment: Registered Trustee to notify Inspector-General of certain events (conviction of certain offences, bankruptcy etc)			Trustee			<a href="#">Email</a>	As soon as practicable	Regulation	N	N	161A

35.	Lodgment: RT/CT Annual Estate Return			Trustee			<a href="#">Online</a>	Within 35 days after the end of the financial year Refer <a href="#">Inspector-General Practice Statement on Annual Estate Returns</a>	Registry	N	1	170A(1)
36.	Lodgment: Notification of death of trustee					Other	<a href="#">Email</a>	Within 28 days of from the date the person commenced administering the estate of the deceased trustee	Registry	N	1	182(4)
37.	Application: Debt Agreement Proposal and Explanatory Statement, Administrator's certificate and Statement of Affairs	Debtor				DAA	<a href="#">Email</a>	Within 14 days after the debtor signed the documents. Refer <a href="#">Official Receiver Practice Statement on Acceptance of Debt Agreement Proposals</a>	DAT	Y	N	185C(1) 185C(2B) 185(2D) 185D(1)
38.	Lodgment: Statement of claim and voting		Creditor				<a href="#">Email</a>	Before the 'applicable deadline' for voting (defined in s185) Refer <a href="#">Official Receiver Practice Statement on Voting on Debt Agreement proposals and proposals to Vary and Terminate Debt Agreements</a>	DAT	N	N	185EA (2)(b)
39.	Lodgment: Notification of 6-month arrears default					DAA	<a href="#">Email</a>	Within 10 working days of occurrence of default. Refer <a href="#">Official Receiver Practice Statement on 6-month Arrears Default.</a>	DAT	N	N	185LC(1)
40.	Lodgment: DAA Annual Estate Return					DAA	<a href="#">Email</a>	Within 35 days after the end of the financial year Refer <a href="#">Inspector-General Practice Statement on Annual Estate Returns</a>	Registry	N	1	185LEA(1)
41.	Application: Proposal to vary debt agreement and Explanatory Statement	Debtor	Creditor				<a href="#">Email</a>	Refer <a href="#">Official Receiver Practice Statement on Proposal to Vary a Debt Agreement</a>	DAT	N	N	185M(1) 185M(1B)
42.	Lodgment: Voting on proposal to vary debt agreement		Creditor				<a href="#">Email</a>	Before the 'applicable deadline' for voting (defined in s185) Refer <a href="#">Official Receiver Practice Statement on Voting on Debt Agreement proposals and proposals to Vary and Terminate Debt Agreements</a>	DAT	N	N	185MA (2)(b)
43.	Lodgment: Notification of obligations discharged					DAA	<a href="#">Email</a>	Within 5 working days of end of agreement. Refer <a href="#">Official Receiver Practice Statement on Completion of a Debt Agreement</a>	DAT	N	N	185N(5)

44.	Application: Proposal to terminate debt agreement and Explanatory Statement	Debtor	Creditor				<a href="#">Email</a>	Refer <a href="#">Official Receiver Practice Statement on Proposal to Terminate a Debt Agreement</a>	DAT	N	N	185P(1) 185P(1B)
45.	Lodgment: Voting on proposal to terminate debt agreement		Creditor				<a href="#">Email</a>	Before the 'applicable deadline' for voting (defined in s185) Refer <a href="#">Official Receiver Practice Statement on Voting on Debt Agreement proposals and proposals to Vary and Terminate Debt Agreements</a>	DAT	N	N	185PA (2)(b)
46.	Lodgment: Court order terminating debt agreement					Other	<a href="#">Email</a>	Within 2 days after entry of order is stamped. Refer Bankruptcy Regulations Sch 8 Item 22C & Rule 9.05 of Federal Court and Federal Circuit Court (Bankruptcy) Rules	DAT	N	N	185Q
47.	Lodgment: Court order voiding debt agreement					Other	<a href="#">Email</a>	Within 2 days after entry of order is stamped. Refer Rule 9.05 of Federal Court and Federal Circuit Court (Bankruptcy) Rules	DAT	N	N	185T 185U
48.	Lodgment: Notification of death of administrator					Other	<a href="#">Email</a>	Within 28 days from the day the person started to administer the deceased administrator's estate Refer <a href="#">Official Receiver Practice Statement on Replacing a Debt Agreement Administrator</a>	DAT	N	1	185ZA(1)
49.	Application: Registration as a Debt Agreement Administrator					Other	<a href="#">Email</a>	No time limit	Regulation	Y	N	186B 186C
50.	Application: Renewal of registration as a Registered Debt Agreement Administrator				DAA		<a href="#">Email</a>	Before the end of the applicant's existing registration period	Regulation	Y	N	186B 186C
51.	Application: Change or remove registration conditions on Registration of a Debt Agreement Administrator				DAA		<a href="#">Email</a>	No time limit	Regulation	N	N	186H
52.	Application: Surrender of registration as a Registered Debt Agreement Administrator				DAA		<a href="#">Email</a>	No time limit	Regulation	N	N	186J
53.	Lodgment: Return of Registered Debt Agreement Administrator registration certificate on cessation of registration				DAA		Post	Within 7 days of registration ceasing	Regulation	N	1	186N(5) 186N(6A)
54.	Lodgment: S188 Authority, Proposal & Statement of Affairs			Trustee			<a href="#">Email</a>	Within 2 working days of consenting Refer <a href="#">Official Receiver's Practice Statement on Personal Insolvency Agreements</a>	Registry	Y	N	188(5) R10.03(2) )
55.	Lodgment: Report by controlling trustee on PIA proposal; declaration of any relationship with debtor; and statement about possible resolutions			Trustee			<a href="#">Email</a>	Within 10 days prior to the date of the meeting of creditors to consider the debtor's proposal	Registry	N	N	189A 189B R10.04

56.	Lodgment: Notification where control period ends			Trustee			<a href="#">Email</a>	Within 7 days after trustee becomes aware control period has ended	Registry	N	N	189(1B)
57.	Lodgment: Special resolution at creditors' meeting to consider PIA			Trustee			<a href="#">Email</a>	Within 7 working days of resolution being passed	Registry	N	N	204 R10.06
58.	Lodgment: Notification of presentation of creditor's petition against debtor required by special resolution to enter a PIA		Creditor				<a href="#">Email</a>	As soon as practicable after creditor's petition presented	Registry	N	N	206(2)
59.	Lodgment: Consent of PIA trustee			Trustee			<a href="#">Email</a>	As soon as practicable after the resolution is passed	Registry	N	N	215A(1A)
60.	Lodgment: Execution of PIA			Trustee			<a href="#">Email</a>	Within 2 days after the date of execution of PIA	Registry	N	1	218(2)
61.	Lodgment: Termination, variation or setting aside PIA			Trustee			<a href="#">Email</a>	Within 2 days from the date of termination, variation or setting aside	Registry	N	1	221 222 222A 222C 222D 224A R10.11 R10.12
62.	Lodgment: Certificate on completion of terms of PIA			Trustee			<a href="#">Email</a>	Within 7 working days of giving certificate of completion to the debtor	Registry	N	N	R10.14
63.	Lodgment: Court order estate to be administered under Part XI - on application of creditor		Creditor				<a href="#">Email</a> <a href="#">Post</a>	Within 2 days of the order being made	Registry	N	1	244(14) 245(3)
64.	Lodgment: Petition presented to court by creditor or administrator of deceased estate		Creditor			Other	<a href="#">Email</a>	Within 2 working days after petition endorsed by Court	Registry	N	N	R11.01A 244(1) 247(11)
65.	Lodgment: Statement of Affairs of deceased debtor					Other	<a href="#">Email</a> <a href="#">Post</a>	Within 28 days of being notified of the order	Registry	N	5	246(1)
66.	Lodgment: Court order that estate be administered under Part XI - on application of administrator					Other	<a href="#">Email</a>	Within 2 days of the order being made	Registry	N	1	247(3)
67.	Lodgment: Certificate of annulment of bankruptcy			Trustee			<a href="#">Email</a>	Within 2 days from the date of last payment	Registry	N	1	252A(2)
68.	Lodgment: Notice of stay – drought assistance					Other	<a href="#">Email</a> <a href="#">Post</a>		Registry	N	N	253C
69.	Lodgment: Payment of unclaimed dividend			Trustee			<a href="#">Email</a>		Registry	N	N	254(2)
70.	Lodgment: Finalisation of administration			Trustee			<a href="#">Online</a>	Within 7 days of finalising the administration	Registry	N	N	R8.14(1)

71.	Lodgment: Remittance of Interest and Realisations Charge by registered trustees and administrators			Trustee	DAA		<a href="#">Online</a>	Within 35 days from the end of the charge period. Payments and information can also be lodged sooner during the course of the charge period (eg upon finalisation of an administration)  Refer to <a href="#">Inspector-General Practice Direction on collection of Realisations and Interest Charges.</a>	Registry	N	N (2)	BECA (3) R15A.04 R15A.05
73.	Lodgment: Statement regarding payment of unclaimed money			Trustee	DAA		<a href="#">Email Post</a>	Within 7 days of giving statement to the Commonwealth officer to whom unclaimed moneys are paid	Registry	N	N	R12.01

1. This column shows the penalty that applies for late lodgment if an infringement notice is issued (a penalty unit is \$110). Issuing an infringement notice is an administrative procedure and does not constitute a conviction. However, penalties may also apply on conviction and these are generally a maximum of 5 times the infringement notice penalty.

2. No infringement notice penalty applies for late remittance. However, late payment penalty at the rate of 20% per annum can be imposed under s281 of the Bankruptcy Act.

3. BECA stands for *Bankruptcy (Estate Charges) Act 1997* – see in particular section 5 (interest charge) and sections 6-8 (realisations charge)

#### Preferred methods of lodgment for Registry documents:

Email: [Registry@itsa.gov.au](mailto:Registry@itsa.gov.au)

Online: [Online.itsa.gov.au](http://Online.itsa.gov.au)

Post: Official Receiver

GPO Box 1550

ADELAIDE SA 5001

#### Preferred methods of lodgment for Official Receiver Notice applications:

Email: [or.notices@itsa.gov.au](mailto:or.notices@itsa.gov.au)

Post: Official Receiver GPO Box 3896

SYDNEY NSW 2001

#### Preferred methods of lodgment for Debt Agreement documents

Email: [debtagrementservice@itsa.gov.au](mailto:debtagrementservice@itsa.gov.au)

Post: Debt Agreement Team

Insolvency and Trustee Service Australia PO Box 10443

BRISBANE QLD 4000

#### Preferred methods of lodging applications/lodgments with the Inspector-General

Email: [registrations.officer@itsa.gov.au](mailto:registrations.officer@itsa.gov.au)

Post: ITSA Regulation

Insolvency and Trustee Service Australia PO Box 10443

BRISBANE QLD 4000