



## Overseas travel

### Can I leave Australia if I become bankrupt?

You can only leave Australia if you obtain your trustee's written permission before you leave. Your trustee will need to be satisfied that you have legitimate reasons for the proposed travel, for example as a condition of your employment or for compassionate reasons.

Your trustee may impose conditions when giving permission such as:

- the period of travel
- the date you are required to return to Australia, and/or
- that any income contributions (compulsory sums from your income to repay your creditors) that you have been assessed to pay are paid before you go.

You may have a passport; however, you must hand it to your trustee if directed to do so.

Your trustee may refuse permission if:

- you have not carried out all of your obligations under the Bankruptcy Act, for example if you have not filed your statement of affairs
- you are required to assist your trustee in the administration of your bankruptcy
- the trustee's investigations have not been completed.

**Warning:** If you leave Australia without your trustee's written permission or you leave with permission but fail to return when you said you would, your trustee may lodge an objection to your discharge extending your period of bankruptcy to five years from the date you return to Australia.

If you are overseas and your trustee asks you to return to Australia and you do not, your trustee may lodge an objection to your discharge. If this happens, your bankruptcy will be extended for two years from the date you return to Australia.

Leaving or trying to leave Australia without the written consent of your trustee is an offence under the Bankruptcy Act. The penalty for this, upon conviction, is up to three years' imprisonment.

Breaching a travel condition imposed by your trustee is also an offence under the Bankruptcy Act. The penalty for this, upon conviction, is up to 12 months' imprisonment.

### How do I apply for permission?

As soon as you become aware that you may need to leave Australia you should contact your trustee and discuss your situation. You should then write to your trustee giving:

- the reasons for the proposed trip
- the names of the countries you propose to visit
- the date you intend to leave Australia
- the date you intend to return to Australia
- if someone else is paying for the trip, the name of the person paying for the trip, the cost of the trip and a confirming letter from that person
- an email address, telephone number and overseas address where your trustee can readily contact you
- your current annual income
- your proposed arrangements for paying any contribution liability whilst overseas.

Your trustee must have adequate time and information to consider your request. Your request should be in writing so that your trustee understands exactly what you are requesting. You will be advised promptly of the trustee's decision and any conditions placed on your travel.

If you are not satisfied with your trustee's decision, try to resolve your concerns with them directly. If you are still not satisfied with your trustee's decision, you may apply to the Federal Court or the Federal Circuit Court of Australia for review. You should seek legal advice before you do this.