



March 2011

Searching the Public Record

The National Personal Insolvency Index (NPII)

WHAT IS THE PUBLIC RECORD?

The public record is a permanent electronic register of personal insolvency proceedings in Australia maintained and updated by ITSA. Known as the National Personal Insolvency Index (NPII) it contains records from August 1928.

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

The NPII contains details of:

- Creditors Petitions
- Debt Agreements
- Personal Insolvency Agreements
- Bankruptcies
- Insolvent Deceased Estates
- Control Orders and Authorities

The information available includes:

- the name, date of birth (if known), address (suburb/state) and occupation of the person as disclosed on documents accepted by ITSA when the proceeding started
- previous names and aliases if known
- the type of proceeding, the date it started and the administration number
- the name and business address of the trustee or administrator of the proceeding
- the current status of the person and/or the proceeding (eg whether a person is discharged from bankruptcy or whether a Creditors Petition for a person's bankruptcy is in progress).

ITSA can withhold or refuse inspection of certain information on the NPII where access to that information could jeopardise the safety of a person who is a bankrupt or a debtor. However, a person's name and date of birth cannot be withheld.

SEARCHING THE NPII

Anyone can search for a name on the NPII by paying a fee. The search can be conducted through an Index Search Agent.

Index Search Agents are organisations authorised by ITSA to conduct NPII searches. The fee charged by each Index Search Agent varies. Contact details and links for online searches are:

- Australian Business Research (ABR)
www.abr.com.au
1300 366 402
- CITEC
www.confirm.com.au
1800 773 773
- Espreon Property Services
www.espreon.com.au
1300 305 205

If you believe any information in the NPII is incorrect or misleading please contact ITSA in writing.

ITSA will correct the record after making appropriate enquiries.

UNCERTAIN DEBTOR'S GIVEN NAME AND/OR SURNAME

Anyone may conduct a search of the NPII to determine whether a debtor is currently subject to provisions of the *Bankruptcy Act 1966*.

When you are not certain about the spelling of a debtor's given name/s, surname or both you should use the '%' symbol as a wildcard character within the search criteria.

ITSA's Index Search Agents will alert users to the wildcard feature on their website and how to use it. This feature can be used at the beginning or end of the word, for example:

If the user search details are:
Given Name = 'El%'
Surname = '%king'

The search results will list individuals with given names starting with 'El' and surname ending with 'king'. Please note that if there is a large number of potential matches, you may be required to narrow your search criteria before a final list is provided.

INSPECTION OF DOCUMENTS

These personal insolvency documents are available for inspection:

- Statement of Affairs (other than Part A of the form containing certain confidential information) lodged in relation to a bankruptcy
 - an insolvent deceased estate
 - a Personal Insolvency Agreement.
- Documents in relation to a Personal Insolvency Agreement, including:
 - a person's authority granting control over property to a trustee pending an agreement
 - the person's proposal to creditors
 - the controlling trustee's report on the proposal
 - the agreement that was reached
 - the trustee's consent to administer the agreement
- Documents relating to an examination of a person by the Official Receiver. This may include:
 - the Official Receiver's notes of the examination a recording of the examination
 - a transcript of the electronic recording of the examination (where a transcript was produced at the time of the examination)
- Bankruptcy Notice once a Creditors Petition is presented on the basis of the debtor's failure to comply with that notice.

HOW TO ACCESS THESE DOCUMENTS

These documents are available at the ITSA office in which they were lodged or created. You need to have the administration number to which the document relates in order for ITSA to produce the document. If you do not have the administration number, the NPII record extract for the person will provide you the administration number.

Contact your nearest ITSA office to arrange for the document to be made available and a convenient time to attend. You can also arrange for the document/s to be sent to you if the relevant fee is paid.

INSPECTION FEES

- Production of the document or recording \$40

Debtors, their creditors or their agent may inspect documents in relation to a personal insolvency proceeding in which they are a party without payment of the production fee.

INFORMATION ABOUT THE ADMINISTRATION OF A PROCEEDING

A trustee's or administrator's working papers or other records documenting investigations, decisions etc are not public records and are not available for inspection.

INFORMATION ABOUT CORPORATIONS

Inquiries about corporations should be directed to the Australian Securities and Investments Commission www.asic.gov.au.

PRIVACY ACT

Where ITSA holds any document that contains personal information about an individual, the *Privacy Act 1988* provides access to that document by that individual.

FREEDOM OF INFORMATION ACT

Where a specific document that you wish to inspect is held by ITSA but not available for public inspection, you may make an application under the Freedom of Information Act. An application fee applies and you should contact ITSA for further details on the application process.