



PERSONAL INSOLVENCY AGREEMENT INSTRUCTIONS AND FORM

September 2013

If you decide to proceed with a Personal insolvency agreement

1. Complete the controlling trustee authority form
2. Complete the statement of affairs form
3. Pay the lodgment fee
4. Draft a personal insolvency agreement proposal
5. Complete the proposal checklist to ensure your proposal meets certain statutory requirements - see page 3
6. Take the above completed documents and fee to your controlling trustee who will lodge these with AFSA. The documents must be lodged with AFSA within 28 days of your signing the forms.

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.

Providing false and / or misleading information is an offence under the Bankruptcy Act and penalties apply on conviction.

Information and assistance

If you do not understand a particular question or require further information about personal insolvency agreements, please contact your controlling trustee or visit www.afsa.gov.au or contact AFSA on 1300 364 785. AFSA cannot give you advice on whether a personal insolvency agreement 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/documents will be provided to your trustee, who will use the information in them to administer your affairs.
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 signing a controlling trustee authority form 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.

PIA proposal checklist

Attach your proposal (draft personal insolvency agreement deed) to these forms

Is this proposal being presented jointly with any other individual/s?

No Yes ensure all documents are lodged together

Complete the checklist below for matters that must be included in your PIA.

Ensure each of the matters below have been addressed in your proposal. Insert the clause or schedule number/s where the matter has been specified in the proposal which is attached to Part B.

#	Issues to be Addressed	Options Not Applicable, or Yes		If Yes, Insert the Clause or Schedule No in your proposal
1	Has the property (if any) that is available to pay creditors claims been identified?	NA	Yes	
2	Has the income (if any) that is to be made available to creditors been identified?	NA	Yes	
3	Has the manner in which the property and/or income is to be dealt with been identified? (include remuneration of the controlling and registered trustees)	NA	Yes	
4	Are there any provable debts from which you do not seek release under the agreement?	NA	Yes	
5	Have the conditions (if any) for the Agreement to come into operation been specified?	NA	Yes	
6	Have the terminating events of this agreement been specified?	NA	Yes	
7	Has the order of distribution of property and/or income among creditors been specified?	NA	Yes	
8	Does the proposed agreement provide for property to be recoverable by the trustee under the antecedent transaction provisions of the Bankruptcy Act?	NA	Yes	
9	Does the agreement provide for a registered trustee/s or the Official Trustee to be a trustee of the agreement?	NA	Yes	
10	Does the agreement provide for you to execute such instruments and do such acts as is necessary to give effect to the terms of the proposed agreement?	NA	Yes	

Name:	
Signature:	Date: