

### *Tracing Australian People in Bankruptcy Records*

The term "*insolvency*" appears to have been in general currency in Australia until around the time of Federation in 1901, when the term "bankruptcy" was the accepted term. Bankruptcy is when an individual is legally declared unable to pay their debts.

Bankruptcy law was a matter for colonial, and later state government courts until about 1926, when it was transferred to federal (Commonwealth) jurisdiction. The Bankruptcy Act requires all bankrupts to be listed in the *Commonwealth of Australia Gazette* at the time the bankruptcy is declared. From 1928 onwards, the annual index to the Gazette lists all individuals who have declared themselves bankrupt or who were undergoing bankruptcy proceedings in that year.

When bankruptcy came under Commonwealth jurisdiction, for administrative purposes, various states and territories throughout Australia were divided into a number of "Bankruptcy Districts". The records relating to individual bankrupts and these records are now held by the various offices of the Archives throughout Australia. Each bankruptcy notice referred to in the gazette section names the individual involved and provides the case number. This case number can then be used to locate relevant documentation among the bankruptcy holdings held in the archives.

Until 1977 the responsibility for administering bankruptcy rested with two agencies within the Commonwealth Attorney-General's Department; the Registrar in Bankruptcy and the Official Receiver.

The National Personal Insolvency Index is the public record of personal insolvency proceedings in all states of Australia. It is maintained and updated by Australian Financial Services Association and contains records since August 1928. The index provides publicly available information about the insolvency status of individuals, the type of insolvency, date it started, the administration number and the address of the trustee or administrator.

The following are some of the common reasons for searching the index:

- to establish if someone who owes money is bankrupt or, subject to a personal insolvency agreement or debt agreement
- to determine if the debtor is named in a bankruptcy notice or party to another to another administration

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