

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
INSOLVENCY AND TRUSTEE SERVICE AUSTRALIA

Question No. 54

Senator Williams asked the following question at the hearing on 30 May 2013:

Senator WILLIAMS: I want to raise an issue but I want to be careful how I raise it—if you know what I mean. If ITSA examines the affairs of a bankrupt and believes there are areas of concern that could warrant police investigation, are those matters referred to police or law enforcement agencies?

Ms Ingram: Generally we would have to prepare a brief of evidence before we would give the matter to the DPP. If it was a police matter, say fraud or a breach of other than the bankruptcy act, we would refer it to the police. It really depends on the facts of the case.

Senator WILLIAMS: If there was clear evidence of criminal wrongdoing—I am not mentioning anyone here—and you thought that evidence was clear and it was obvious, would you either send a brief to the DPP or inform the police?

Ms Ingram: If it was a breach of the Bankruptcy Act we would prepare a brief of evidence and refer it. If it was fraud or a breach of the Crimes Act or something else, or it was a state matter, we would refer it to the appropriate authorities.

Senator WILLIAMS: To quote the newspaper at Grafton, it says this is public knowledge:

Bankrupt Yamba boatbuilder George Edward Lousick has elected to face two charges levelled against him in the District Court for deception ...

Are you familiar with that case?

Ms Ingram: I do not have the latest details with me.

Senator WILLIAMS: I did raise the issue with you some time back about Mr Lousick.

Ms Ingram: I do recall—

Senator WILLIAMS: As I said, it is in the public arena now it has been out in the newspapers and so on. 'Bankrupt boat builder to appear at District Court. Mr Lousick did not appear in person at Grafton Court. Obtaining money by deception and dishonesty, obtaining property by deception'—in the higher court. I raised this with you some time ago, the matter involving this particular bloke, the boatbuilder in Yamba. His business is called Japolo Boats and Others. You were investigating this matter, I believe.

Ms Ingram: I do recall that we looked into the matter and the issues you had raised. I do not have the brief with me on that matter. I would have to take it on notice if you want an update on that matter.

Senator WILLIAMS: That would be good, if you could give me an update on that, please, because the *Grafton Daily Examiner* of 11 April reports that Mr Lousick is now facing two charges. You do not know whether you have a reference on this?

Ms Ingram: Do you mean we refer to—

Senator WILLIAMS: You were investigating this particular business. I am wondering whether or not you made a referral to—

Ms Ingram: I would have to take that on notice.

Senator WILLIAMS: Because there is \$1 million lost here and I believe the individual is back in North Queensland. My particular interest is that a good friend of mine has lost a substantial amount of money. So this would just take its course through the courts. If that investigation is still ongoing, if you are still doing it, my chief of staff has been in contact with your office. Could you give us an update? That would be very good.

Ms Ingram: Certainly, Senator.

The answer to the honourable senator's question is as follows:

1 Could ITSA provide an update on the Lousick case?

The bankrupt was discharged from bankruptcy on 22 April 2013. The Official Trustee circulated a report to creditors on 6 October 2011 and a further report to creditors on 10 May 2013.

Those reports indicate that all information that has been brought to the Official Trustee's attention, or that has come to light as a result of the trustee's inquiries authorised and required by the Bankruptcy Act, has been properly assessed and disclosed to creditors. Further, any allegations that the bankrupt breached the duties and obligations set out in Bankruptcy Act have and will continue to be thoroughly investigated.

2 Did ITSA provide a brief of evidence regarding the Lousick case to the DPP, or was the matter referred to the State authorities?

No.