

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
CONFISCATION AND PROCEEDS OF CRIME LIST**

IN THE MATTER of the *Confiscation Act 1997/Proceeds of Crime Act 2002*

-and-

IN THE MATTER of (e.g: the offender (name)/the suspect (name)/the accused (name)/ property reasonably believed to be the proceeds of an indictable offence/property reasonably believed to be tainted property)
[whatever is appropriate]

BETWEEN

[INSERT]

Applicant

-and-

[INSERT]

Respondent

ORDER

JUDGE: The Honourable Justice J Forrest

DATE MADE: [INSERT]

ORIGINATING PROCESS: [INSERT]

HOW OBTAINED: [INSERT]

ATTENDANCE: [INSERT]

OTHER MATTERS: 1. [INSERT]

THE COURT ORDERS THAT:

Example examination order

1. Pursuant to section 180 of the *Proceedings of Crime Act 2002* (Cth), (insert name of proposed examinee) by examined by (date).

Example orders adjourning directions hearing

2. The Commissioner's application for forfeiture orders pursuant to section 49 of the *Proceeds of Crime Act 2002* (Cth), filed (), is adjourned to () for further mention.
3. The (applicant's name) application for exclusion orders made pursuant to section 31 of the *Proceeds of Crime Act 2002* (Cth), filed (), is adjourned to () for further mention.

Example orders staying application pending criminal proceedings

4. Pursuant to section 20(7) of the *Confiscation Act 1997*, (applicant's name) application for exclusion orders filed (date) is stayed until the criminal charges against the accused are finally determined or withdrawn.
5. The applications:
 - (a) made by the Commissioner of the Australian Federal Police for forfeiture orders under section 59 of the *Proceeds of Crime Act 2002* (Cth), dated (); and
 - (b) made by (names of applicants) for exclusion applications under sections 31 and 78 of the *Proceeds of Crime Act 2002* (Cth), dated ();

are stayed until the criminal charges against (name of accused) are finally determined or withdrawn, or until further order of the Court.

Example order providing funding by Legal Aid Victoria pursuant to s 143(1) of the *Confiscation Act 1997*

6. Pursuant to sub-section 143(1) of the *Confiscation Act 1997*, the Second Respondent provide legal assistance to the Applicant with charges of (insert charge e.g murder) in the Supreme Court of Victoria ('the proceedings').

Example interlocutory orders providing for a hearing of associated exclusion/forfeiture applications pursuant to the *Proceeds of Crime Act 2002*

Example orders providing for exchange of affidavit material

7. On or before (date) (name of applicant for exclusion orders) file and serve any affidavit material upon which he/she intends to rely at the hearing in respect of his/her exclusion application in the proceedings.
8. On or before (date) the Commissioner of the Australian Federal Police file and serve any affidavit material upon which the Commissioner intends to rely at the hearing in response to the applicant's application and in respect of his/her application for forfeiture in the proceedings.
9. On or before (date) (applicant for exclusion orders) and serve any further affidavit material in reply upon which he/she intends to rely at the hearing.

10. On or before (date) (Commissioner of the Australian Federal Police) file and serve any further affidavit material in reply upon which he/she intends to rely at the hearing.

Example orders for provision of a court book

11. On or before (date) (applicant for exclusion orders) provide to the Commissioner a proposed index to court book, listing all pleadings and all documents to be referred to and evidence proposed to be relied upon at trial. Where practical, the evidentiary documents should be placed in chronological order.
12. On or before (date) all parties serve on each other notices requiring deponents for cross-examination.
13. On or before (date) the Commissioner provide to the applicant a proposed index of additional documents it proposes to add to the court book.
14. On or before (date) (applicant for exclusion orders) lodge with the Court a copy of the consolidated Court book and index, whether or not all documents are as agreed by the parties, together with any documents served containing objections to inclusion.

Example orders for provision of written outlines of submissions

15. On or before (date) (applicant for exclusion orders) file and serve a short outline of submissions and a list of authorities relied upon in support of its applications.
16. On or before (date), the Commissioner file and serve a short outline of submissions and a list of authorities relied upon in response to the applicant and in support of his application for forfeiture.

Example orders setting down trial date

17. The matter is set down for hearing on a (trial date) based on an estimate of () days.

Liberty to Apply

18. There is liberty to apply.

Costs

19. Costs are reserved/There is no order as to costs.

DATE AUTHENTICATED: [INSERT]

The Honourable Justice J Forrest