



## Summary of relevant time-limits

This document must be read in conjunction with:

- a. the *Confiscation Act 1997* (Vic);
  - b. the *Proceeds of Crime Act 2002* (Cth);
  - c. any subordinate legislation, regulations, or rules made under those Acts; and
  - d. the *Supreme Court (Criminal Procedure) Rules 2008*,
- as applicable.

This document is a summary only, and:

- a. must not be considered, or used as, a substitute for the terms of the above statutes;
- b. may not be suitable for the particular circumstances of a matter; and
- c. may not reflect any legislative changes that occur after the publication date of the Notice.

Act	Section	Event <sup>1</sup>	Time limit <sup>2</sup>
<b><i>Confiscation Act 1997</i> (Vic)</b>	20	Application by any person (including the accused) for exclusion from restraining order under s 21 or 22  <b>or</b> Application by any person (other than the accused) for exclusion under section 22A from a serious drug offence restraining order	The application must be made: <ul style="list-style-type: none"><li>• if notice is required to be given under section 19(1), within 30 days after service of notice of the making of the restraining order; or</li><li>• in any other case, within 30 days after the making of the restraining order.</li></ul>
	35	Automatic forfeiture of property following conviction	The restrained property is forfeited on the expiry of 60 days after:

<sup>1</sup> All events listed are in simplified form for ease of reference, and exceptions and conditions have not been included.

<sup>2</sup> All time limits are subject to exceptions and conditions.

Act	Section	Event <sup>1</sup>	Time limit <sup>2</sup>
			<ul style="list-style-type: none"> <li>the making of the restraining order; or</li> <li>the conviction of the accused,</li> </ul> <p>whichever is later.</p>
	36GA	Automatic forfeiture of property on declaration that person is serious drug offender	<p>On the expiry of 60 days after the later of:</p> <ul style="list-style-type: none"> <li>the making of the restraining order; or</li> <li>the conviction of the accused.</li> </ul>
	36U	Application by any person for exclusion from civil forfeiture restraining order	<p>Within:</p> <ul style="list-style-type: none"> <li>30 days after service of notice of the making of the civil forfeiture restraining order; or</li> <li>30 days after the making of the civil forfeiture order,</li> </ul> <p>as applicable.</p>
	40A	Application by any person for exclusion from civil forfeiture order made under s 38	<p>Within 60 days commencing on the day on which the property is forfeited.</p>
	40R	Application by any person for exclusion from unexplained wealth restraining order	<p>Within:</p> <ul style="list-style-type: none"> <li>90 days after service of notice of the making of the unexplained wealth restraining order; or</li> <li>90 days after the making of the unexplained wealth restraining order,</li> </ul> <p>as applicable.</p>
	40ZA	Forfeiture of property the subject of an unexplained wealth restraining order	<p>On the expiry of 6 months after the making of the unexplained wealth restraining order.</p>

Act	Section	Event <sup>1</sup>	Time limit <sup>2</sup>
	40ZC	Application by any person for exclusion from unexplained wealth forfeiture.	Within 60 days of forfeiture commencing on the day on which the property was forfeited.
	49	Application by a person (other than the accused) for exclusion from a forfeiture order	The application must be made either: <ul style="list-style-type: none"> <li>• at the same time as the application for a forfeiture order; or</li> <li>• if a forfeiture order has been made, before the end of 60 days commencing on the day on which the forfeiture order was made.</li> </ul>
	51	Application by a person (other than the accused) for exclusion from automatic forfeiture under s 35	The application must be made within 60 days commencing on the day on which the property is forfeited.
	53	Application by a person (other than the accused) for exclusion from automatic forfeiture under s 36GA of property of a serious drug offender	Within 60 days of forfeiture.
<i>Proceeds of Crime Act 2002 (Cth)</i>	30	Application for the exclusion of property from a restraining order that has been applied for but is yet to be made	Between a restraining order being applied for, and the time at which the restraining order is made.
	31	Application for the exclusion of property from a restraining order that has been made	An application may be made at any time after the restraining order is made, but before any forfeiture order is made (see section 45(4)).

Act	Section	Event <sup>1</sup>	Time limit <sup>2</sup>
	42	Application for revocation of a restraining order	<p>The application must be made:</p> <ul style="list-style-type: none"> <li>• within 28 days after the person is notified of the order; or</li> <li>• if the person applies to the court within that period of 28 days for an extension of the time for applying for revocation—within such longer period, not exceeding 3 months, as the court allows.</li> </ul>
	74	Application for exclusion of property from forfeiture	<p><i>Before a forfeiture order has been made</i></p> <ul style="list-style-type: none"> <li>• if a forfeiture order has been applied for, but is yet to be made</li> </ul> <p><i>After a forfeiture order has been made</i></p> <ul style="list-style-type: none"> <li>• at any time after the forfeiture order is made</li> </ul>
	92	Forfeiture on conviction of a serious offence	<p>Property is forfeited:</p> <ul style="list-style-type: none"> <li>• at the expiry of 6 months starting on the conviction day; or</li> <li>• if an extension order is in force at the end of that period—the extended period relating to that extension order.</li> </ul>
	104	Application by any person for order under section 102 or 103 with respect to property that has been forfeited under s 92	Any time after forfeiture.

