

**Summary of relevant time-limits**

This document must be read in conjunction with:

1. the *Confiscation Act 1997* (Vic);
2. the *Proceeds of Crime Act 2002* (Cth);
3. any subordinate legislation, regulations, or rules made under those Acts; and
4. the *Supreme Court (Criminal Procedure) Rules 2008,*

as applicable.

This document is a summary only, and:

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

| **Act** | **Section** | **Event[[1]](#footnote-1)** | **Time limit[[2]](#footnote-2)** |
| --- | --- | --- | --- |
| ***Confiscation Act 1997* (Vic)** | 20 | Application by any person (including the accused) for exclusion from restraining order under s 21 or 22  **or**  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:   * 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 * in any other case, within 30 days after the making of the restraining order. |
| 35 | Automatic forfeiture of property following conviction | The restrained property is forfeited on the expiry of 60 days after:   * the making of the restraining order; or * the conviction of the accused,   whichever is later. |
| 36GA | Automatic forfeiture of property on declaration that person is serious drug offender | On the expiry of 60 days after the later of:   * the making of the restraining order; or * the conviction of the accused. |
| 36U | Application by any person for exclusion from civil forfeiture restraining order | Within:   * 30 days after service of notice of the making of the civil forfeiture restraining order; or * 30 days after the making of the civil forfeiture order,   as applicable. |
| 40A | Application by any person for exclusion from civil forfeiture order made under s 38 | Within 60 days commencing on the day on which the property is forfeited. |
| 40R | Application by any person for exclusion from unexplained wealth restraining order | Within:   * 90 days after service of notice of the making of the unexplained wealth restraining order; or * 90 days after the making of the unexplained wealth restraining order,   as applicable. |
| 40ZA | Forfeiture of property the subject of an unexplained wealth restraining order | On the expiry of 6 months after the making of the unexplained wealth restraining order. |
| 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:   * at the same time as the application for a forfeiture order; or * if a forfeiture order has been made, before the end of 60 days commencing on the day on which the forfeiture order was made. |
| 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. |
| ***Proceeds of Crime Act 2002* (Cth)** | 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)). |
| 42 | Application for revocation of a restraining order | The application must be made:   * within 28 days after the person is notified of the order; or * 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. |
| 74 | Application for exclusion of property from forfeiture | *Before a forfeiture order has been made*   * if a forfeiture order has been applied for, but is yet to be made   *After a forfeiture order has been made*   * at any time after the forfeiture order is made |
|  | 92 | Forfeiture on conviction of a serious offence | Property is forfeited:   * at the expiry of 6 months starting on the conviction day; or * if an extension order is in force at the end of that period—the extended period relating to that extension order. |
|  | 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. |

1. All events listed are in simplified form for ease of reference, and exceptions and conditions have not been included. [↑](#footnote-ref-1)
2. All time limits are subject to exceptions and conditions. [↑](#footnote-ref-2)