

To be inserted by Court

Case Number:

Date Filed:

FDN:

## ORDER – ASSET CONFISCATION FREEZING ORDER (INTERIM)

MAGISTRATES COURT OF SOUTH AUSTRALIA  
SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

### Introduction

### Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

### Appearances

[Applicant Appearance Information]

### Remarks

- (a) The Magistrate has heard an Application under section [17 of the Criminal Assets Confiscation Act 2005/ 15B of the Proceeds of Crime Act 2002 (Cth)] and is satisfied that a Freezing Order should be made in the following terms. The grounds on which the order was sought are set out in the Originating Application and supporting Affidavit filed by the Applicant which accompany this order.
- (b) The Magistrate is satisfied that there are reasonable grounds to suspect that the *name*:
- is the person in whose name the specified account is held.
  - is a person with an interest in the specified account.
  - has [committed] [been involved in] [derived a benefit from] a serious offence.
  - is about [commit] [be involved in] [derive a benefit from] a serious offence.
- (c) The Magistrate is satisfied that an Application for a Restraining Order is likely to be made in respect of property in which:
- the person in whose name the specified account is held
  - the person who has an interest in the specified account has an interest.
- (d) The Magistrate is satisfied that it is otherwise appropriate to make this order having had regard to the amount of money in the specified account, the persons in whose name the account is held, and any hardship that may reasonably be expected to be caused to any person by the operation of this order.

(e) default selected if telephone application The facts which justify the making of this order are [facts]. The Applicant has undertaken to make an Affidavit verifying these facts.

**Order**

**Date of Order:** [date]

**Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

- 1. Pursuant to section [17 of the Criminal Assets Confiscation Act 2005/15B of the Proceeds of Crime Act 2002 (Cth)], the financial institution must not allow any person to make transfers or withdrawals from the below mentioned account.
  - except in the following manner and circumstances:  
set out circumstances in numbered paragraphs
    - i.
- 2. This order takes effect on the date and at the time that notice of the order is given to the financial institution under section [19 of the Criminal Assets Confiscation Act 2005/15N of the Proceeds of Crime Act 2002 (Cth)].
- 3. If notice of this order is not given to the relevant financial institution within [72 hours/by the end of the first working day]after this order was made, this order will be of no force or effect.
- 4. This order ceases to have effect on the making of a Restraining Order in respect of the money in the specified account or [72 hours/ [insert number] of working days] after the time when this order takes effect, whichever occurs first.
- 5. [other orders].

**To the Financial Institution: WARNING**

If you disobey this order without reasonable excuse:

- you will be guilty of an offence and liable to pay a fine of up to \$20,000. If State Act
- you will be guilty of an offence and liable to Imprisonment for 5 years or a fine of 300 penalty units or both. If Commonwealth Act

**Authentication**

.....  
Signature of Court Officer  
[title and name]