

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER – ASSET CONFISCATION PRODUCTION ORDER

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

The Magistrate is satisfied that:

- (a) the Applicant has made an Application under *[section 150 of the Criminal Assets Confiscation Act 2005/section 202 of the Proceeds of Crime Act 2002 (Cth)]* dated *[date]* for an order for *[production/inspection]* of the documents described in the schedule to this order ('the Documents').
- (b) based on information given *[on oath/by affirmation]* *[by/on behalf of]* the Applicant, *[name]* of *[address]* ('the Subject') the is reasonably suspected of having possession or control of the Documents and that the Documents comprise property-tracking documents within the meaning of *[section 149 of the Criminal Assets Confiscation Act 2005/section 201 of the Proceeds of Crime Act 2002 (Cth)]*.
- (c) the Documents are "property-tracking documents" within the meaning of *[section 149 of the Criminal Assets Confiscation Act 2005/section 202(5) of the Proceeds of Crime Act 2002 (Cth)]*
- (d) requiring the Documents to be *[produced/made available for inspection]* on the date specified below, being less than 14 days after the making of this order, will not cause hardship to the Subject.

Order

Date of Order: [date]

Orders

It is ordered that:

Orders in separately numbered paragraphs.

1. The Subject must [produce the Documents to/make the Documents available for inspection by] [name and position of authorised officer] at [location] on [date] between the hours of [time] and [time]. must be at least 14 days from the date of the Order, unless satisfied it will not cause hardship to the person subject to the Order
2. Information about this order must not be disclosed.
3. [the Applicant/name of alternative authorised officer] is to serve this order on the Subject.
4. [other]

To the Subject: WARNING

- If you disobey this order and are not excused from complying under [section 158(2) of the Criminal Assets Confiscation Act 2005/section 211(3) of the Proceeds of Crime Act 2002 (Cth)], you will be guilty of an offence and liable to [imprisonment/detention] not exceeding 6 months or a fine not exceeding \$2,500.
- You may not refuse to comply with this order on the grounds that doing so would tend to incriminate you. However, any evidence given in the course of complying with this order cannot be used against you if you are charged with an offence. The exception to this is where you are charged with an offence based on knowingly providing false or misleading evidence in respect of this order.
- only display if order includes non-disclosure If you disclose information about the existence or nature of this order or disclose information to another person from which the other person could infer the existence or nature of this order, you will be guilty of an offence and liable to [imprisonment/detention] not exceeding 2 years or a fine not exceeding [\$10,000/\$2,500]. This does not apply to disclosure made for a purpose set out in [section 157(2) of the Criminal Assets Confiscation Act 2005/section 210(3) of the Proceeds of Crime Act 2002 (Cth)].

Authentication

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

Schedule (The Documents)

No	Date	Description