Form CP35

Federal Court (Criminal Proceedings) Rule 5.06

Federal Court of Australia Act 1976 section 58FB(1)

Application for direction to issue notice of proposed forfeiture

No.       of 20

Federal Court of Australia

District Registry: [State]

Division: General

**Commonwealth Director of Public Prosecutions[or other as appropriate]**Prosecutor

**[Name of Accused]**Accused

[Change title for criminal appeal proceedings (Form CP3)]

The Prosecutor applies, under section 58FB(1) of the *Federal Court of Australia Act 1976*, for a direction to the Chief Executive Officer to give a notice of proposed forfeiture to each person who provided security for the Accused's bail, and any other person who the Court considers may have an interest in security provided for the Accused’s bail.

The Accused failed to appear before Court on [date] in accordance with the Accused’s bail undertaking given on [date].

**Details of the Accused**

Name:

Date of birth:

Usual address:

**Details of the bail order**

Date of order:

Judge:

**Details of bail security**

Security provided by the Accused:

[Set out details]

Security provided by third parties:

[Set out details]

**Accompanying this application**

The following documents accompany this application:

1. an affidavit stating briefly, but specifically, the facts that support the application;
2. a copy of the bail undertaking;
3. a draft direction in accordance with Form CP36;
4. a draft notice under section 58FB(2) of the *Federal Court of Australia Act 1976;* and
5. [if a person signed a third party security undertaking in relation to the bail] a copy of the third party security undertaking made in relation to the Accused’s bail.

**Persons who may have an interest in security**

The Prosecutor considers that the following persons may have an interest in security provided for the Accused’s bail.

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Address | Security | Nature of interest |
|       |       |       |       |
|       |       |       |       |

Date: [eg 19 June 20..]

|  |
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| Signed by [Name][Insert capacity eg For Commonwealth Director of Public Prosecutions] |

*Notes*

1. An application under section 58FB(1) of the *Federal Court of Australia Act 1976* cannot be made more than 6 months after the alleged failure to appear before the Court. (section 58FB(4))
2. The application may be made without notice. (CP Rule 5.06(3))