Form CP37

Federal Court (Criminal Proceedings) Rule 5.07

Federal Court of Australia Act 1976 section 58FB(3)

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)]

To [name]
[address]

You are invited to show cause, by filing an objection in the Court, in accordance with sections 58FC(3)(b) and 58FC(3)(c) of the *Federal Court of Australia Act 1976*, why the following security should not be forfeited:

[details of the security]

The property described above was provided as security for bail granted on [date] to the Accused. On [date] the Accused failed to appear before Court in accordance with [his/her] bail undertaking. The security became liable to forfeiture on that day.

This notice has been given to you because [select one of the following and delete the others]

\*you are the Accused.

\*you provided a third party security undertaking in relation the security described above.

\*you may have an interest in the following property which was provided as security for the Accused’s bail:

[details of relevant security]

**How to object**

If you wish to object to forfeiture of the security you must file a written objection in accordance with Form CP38 and section 58FC(3) of the *Federal Court of Australia Act 1976* before the end of 28 days after this notice is given to you.

If you need more information about how to file an objection to forfeiture, you should contact the Federal Court of Australia. Contact details for the Court may be found on the Court’s webpage at http://www.fedcourt.gov.au.

**The effect of objecting to forfeiture**

If you file an objection to forfeiture, the Court will consider the objection when deciding whether to order forfeiture of the security and whether to order forfeiture of the whole security or only part of the security.

The Court may also invite you to make written or oral submissions before deciding whether to order forfeiture of part of all of the security.

**The effect of not objecting to forfeiture**

If you do not file an objection to forfeiture, the Court may order forfeiture of part or all of the security without further reference to you.

**Particulars of the matter**

The following particulars are provided for your assistance:

* **The Accused**

|  |  |
| --- | --- |
| Name of the Accused |       |
| Date of the bail order |       |
| The offences to which the bail order related |       |
| Date of Accused’s bail undertaking |       |
| Details of any security provided by the Accused |       |

* **Third parties**

|  |  |  |
| --- | --- | --- |
| Name of third party | Date of third party security undertaking | Form of security given |
|       |       |       |
|  |  |  |

* **Failure to appear**

The Accused was required to appear before the Court on [date] in accordance with the Accused’s bail undertaking. The Accused did not appear on that day

**Accompanying this notice**

The following documents accompany this notice:

(a) a copy of the Accused’s bail undertaking; and

(b) [if relevant, add]a copy of any third party security undertaking made in relation to the Accused’s bail.

Date:

|  |
| --- |
| Signed by an officer acting with the authority of the Chief Executive Officer |