

**Version No. 002**  
**County Court Miscellaneous Rules 2009**  
**S.R. No. 56/2009**

Version incorporating amendments as at 1 January 2010

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**Version No. 002**  
**County Court Miscellaneous Rules 2009**  
**S.R. No. 56/2009**

Version incorporating amendments as at 1 January 2010

A majority of the Judges of the County Court makes the following Rules:

**ORDER 1**

**PRELIMINARY**

**1.01 Object**

The object of these Rules is to remake with amendments Chapter II of the Rules of the County Court which establish procedures for certain miscellaneous proceedings in the Court.

**1.02 Title**

These Rules constitute Chapter II of the Rules of the County Court and are entitled the County Court Miscellaneous Rules 2009.

**1.03 Authorising provisions**

These Rules are made under section 78 of the **County Court Act 1958** and all other enabling powers.

**1.04 Commencement**

These Rules come into operation on 20 June 2009.

**1.05 Revocation**

The Rules set out in Schedule 1 are **revoked**.

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Order 1

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**1.06 Definitions**

In these Rules—

*the Act* means the **County Court Act 1958**;

*Chapter I* means the County Court Civil  
Procedure Rules 2008<sup>1</sup>.

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**ORDER 2**

**APPEALS TO COUNTY COURT UNDER SECTION 328 OF  
THE CHILDREN, YOUTH AND FAMILIES ACT 2005**

**2.01 Application**

This Order applies to any appeal under section 328 of the **Children, Youth and Families Act 2005**.

Order 2  
(Heading)  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1 item 1).  
Rule 2.01  
substituted by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1 item 2).

**2.02 Definitions**

In this Order—

*appeal* means an appeal to which this Order applies;

*appellant* has a corresponding meaning.

\* \* \* \* \*

Rules 2.03,  
2.04  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 3(1)).

**2.05 Notice of appeal under section 328 of the Children,  
Youth and Families Act 2005 and undertaking to  
prosecute**

A notice of appeal and undertaking to prosecute an appeal under section 328 of the **Children, Youth and Families Act 2005** shall be in Form 2–2D.

Rule 2.05  
(Heading)  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 4(1)).  
Rule 2.05  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 4(2)).

**2.06 Practitioner to notify that he or she acts**

(1) If a practitioner is engaged to act on behalf of an appellant or respondent, the practitioner shall without delay—

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- (a) notify the Registrar in writing that he or she so acts; and
  - (b) furnish an address for service.
- (2) If a practitioner ceases to act on behalf of an appellant or respondent or changes the address for service, the practitioner shall without delay so notify the Registrar in writing.

Rule 2.07  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 5(1)).

\* \* \* \* \*

Rule 2.08  
(Heading)  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 5(2)(a)).

## 2.08 Notice of abandonment

A notice of abandonment of an appeal against the order or dismissal that is the subject of the appeal shall be—

Rule 2.08  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 5(2)(b)(i)).

Rule 2.08(a)  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 5(2)(b)(ii)).

\* \* \* \* \*

Rule 2.08(b)  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 5(2)(b)(iii)).

- (b) in Form 2–2G, if the notice of abandonment of appeal concerns an appeal under section 328 of the **Children, Youth and Families Act 2005**.

**2.09 Application for leave to abandon appeal out of time**

An application for leave to abandon an appeal from the Magistrates' Court out of time shall be in Form 2–2H.

**2.10 Notice of abandonment—Registrar to make order**

When a notice of abandonment of appeal is filed or leave has been granted to abandon an appeal—

\* \* \* \* \*

Rule 2.10(a) revoked by S.R. No. 183/2009 rule 1.14 (Sch. 1 item 5(3)(a)).

(b) which concerns an appeal under section 328 of the **Children, Youth and Families Act 2005**—

Rule 2.10(b) amended by S.R. No. 183/2009 rule 1.14 (Sch. 1 item 5(3)(b)).

the Registrar shall make an order striking out the appeal.

**2.11 Order striking out appeal**

(1) An order striking out an appeal—

\* \* \* \* \*

Rule 2.11(1)(a) revoked by S.R. No. 183/2009 rule 1.14 (Sch. 1 item 6(1)(a)(i)).

(b) if the order concerns an appeal under section 328 of the **Children, Youth and Families Act 2005** shall be in Form 2–2K.

Rule 2.11(1)(b) amended by S.R. No. 183/2009 rule 1.14 (Sch. 1 item 6(1)(a)(ii)).

(2) If an order is made under paragraph (1), the Registrar shall cause a copy of the order to be forwarded to—

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Rule 2.11(2)(a)  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 6(1)(b)(i)).

\* \* \* \* \*

Rule 2.11(2)(b)  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 6(1)(b)(ii)).

(b) the registrar of the Children's Court at the venue of the court from which the appeal was brought if the appeal is under section 328 of the **Children, Youth and Families Act 2005**.

## 2.12 Registrar to fix appeal

- (1) The Registrar shall—
  - (a) fix the date and place for hearing of the appeal; and
  - (b) notify in writing each party and each practitioner who has given notice under Rule 2.06 of the date and place of hearing a reasonable time before the hearing.
- (2) Notification in writing under paragraph (1)(b)—
  - (a) may be by pre-paid ordinary post; or
  - (b) if a practitioner for a party has facilities for the reception of documents in a document exchange by delivering the notification into those facilities.

## 2.13 Recording of decision

- (1) When the appeal is determined by the Court, the Associate to the Judge who heard the appeal shall in all cases record the sentence or particulars of the decision, in quadruplicate—

Rule 2.13(1)(a)  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 7(1)(a)).

\* \* \* \* \*

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(b) in Form 2–2M, if the appeal is an appeal under section 328 of the **Children, Youth and Families Act 2005**.

Rule 2.13(1)(b)  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 7(1)(b)).

- (2) The record under paragraph (1) constitutes the final record of the order of the Court on the appeal.
- (3) If a number of appeals is heard together, it is not necessary to record the sentence or particulars required by paragraph (1) on separate forms for each appeal but it is necessary for the sentence or particulars of each charge to be recorded in full.

#### **2.14 Copies of record**

- (1) The Associate shall deliver—
- (a) three copies of the record of the order of the Court to the Registrar who shall—
- (i) file one copy; and
- (ii) send one copy to the Registrar of the Children's Court at the venue of the Court from which the appeal was brought; and
- (iii) if the appellant is required to serve a term of imprisonment or detention, deliver one copy to the person responsible for keeping the appellant; and
- (b) if the appellant is required to serve a sentence of imprisonment or detention, one copy of the record of the order of the Court to the prison officer responsible for conveying the appellant to the place of imprisonment or detention.

Rule 2.14(1)  
(a)(ii)  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1 item 8).

r. 2.15

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- (2) The record shall be sufficient to authorise the keeping of the appellant for the period and in the manner set out in the record.

**2.15 Application to set aside order striking out appeal for failure to appear**

An application to set aside an order striking out an appeal for failure to appear shall be in Form 2–2N.

Rules 2.16,  
2.17  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 9(a)).

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**ORDER 3**

**REMITTED AND TRANSFERRED ACTIONS**

**3.01 Application**

This Order applies to any proceeding—

- (a) which is remitted or transferred to the Court by or from another court; or
- (b) which was commenced in the Supreme Court before the commencement of section 3 of the **Courts Legislation (Jurisdiction) Act 2006** but which has not yet been determined and in which the parties consent under section 37(2)(a) of the Act (as in force immediately before its repeal) to its being in the Court.

**Note**

Section 37(2)(a) of the Act was repealed on 1 January 2007 by section 3(2) of the **Courts Legislation (Jurisdiction) Act 2006**.

**3.02 Definition**

In this Order—

*other court* means the court in which the proceeding was commenced.

**3.03 Proceeding remitted and proceeding tried by consent**

- (1) In a proceeding to which this Order applies, the plaintiff or applicant shall file with the Registrar—
  - (a) in the case of a proceeding ordered to be tried in the Court, the order for remission or transfer and a copy of the originating process;

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- (b) in the case of a proceeding to be tried in the Court pursuant to the consent of the parties, the written consent and a copy of the originating process.
- (2) The plaintiff or applicant shall apply to the Prothonotary or other proper officer of the other court to send to the Registrar all pleadings, affidavits and other documents filed in the other court relating to the proceeding.
- (3) The plaintiff or applicant shall also file with the Registrar a statement of the names and addresses of all parties to the proceeding and their solicitors.

**3.04 Statement of cause of action**

If no statement of the claim has been filed and served in the other court, the plaintiff or applicant shall, before taking any further steps in the proceeding—

- (a) file with the Registrar, together with the copy of the originating process, a concise statement of the claim in accordance with the requirements of Chapter I; and
- (b) serve a copy of the statement on each other party to the proceeding within 7 days after filing the statement.

**3.05 Time for taking any step, doing any act**

- (1) If in any Rule (including a Rule of Chapter I) a time is prescribed for taking any step in a proceeding or for doing any act by reference to the date of filing a notice of appearance, the time for taking such a step or doing such an act shall be determined—
- (a) in the case of a proceeding remitted from another court by order of a Judge of that other court, by reference to the date of the order for remission;

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- (b) in the case of a proceeding transferred from the Magistrates' Court, by reference to the date of the order for transfer.
- (2) In a case where the time prescribed fixes the latest date for taking any step or doing any act, the step may be taken or the act done at any time before that date.
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**ORDER 4**

**PROCEEDINGS UNDER THE INSTRUMENTS ACT 1958**

**4.01 Application**

This Order applies to any proceeding under the **Instruments Act 1958**.

**4.02 General**

Except as provided in this Order, a proceeding under the **Instruments Act 1958** shall be conducted in accordance with that Act and Chapter I.

**4.02.1 Definition**

In this Order—

*bill* has the same meaning as in section 3 of the **Instruments Act 1958**.

**4.03 Form 2–4A**

A proceeding on a bill commenced after the bill has become due may be commenced by writ in Form 2–4A.

**4.04 Final judgment when leave not obtained**

If the defendant does not obtain leave to defend the proceeding within the time specified in the writ, the plaintiff may enter final judgment for any sum not exceeding the sum claimed in the writ with interest at the rate specified (if any) to the date of judgment together with the costs, charges and expenses fixed by the Registrar.

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**4.05 Application for leave to appear and to defend and for leave to commence more than one proceeding on 2 or more bills**

- (1) An application by—
- (a) a defendant, for leave to appear and to defend a proceeding; and
  - (b) a bearer or holder of 2 or more matured bills for leave to commence more than one proceeding in respect of those bills against the same person—

shall be made to a Judge without notice to any person.

- (2) An application referred to in paragraph (1) shall be—
- (a) supported by affidavit stating the facts upon which the applicant relies;
  - (b) be in Form 2–4B or Form 2–4C, as the case requires.
- (3) An affidavit for the purposes of this Rule may be made by the applicant or by any other person who can swear positively to the facts.

**4.06 Endorsement of decision**

When the Judge has received an application under Rule 4.05, the Judge shall—

- (a) endorse the decision upon the application; and
- (b) return the application and affidavit to the Registrar.

**4.07 Registrar to inform parties**

When the decision of the Judge is received by the Registrar, the Registrar shall in writing give notice to the plaintiff and the defendant of the Judge's decision.

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**4.08 Leave to defend equivalent to appearance**

- (1) If in any Rule a time is prescribed for taking any step or doing any act by reference to the date of filing an appearance, the time for taking any step or doing any act shall be determined by the date on which the Registrar gives notice under Rule 4.07.
  - (2) A defendant who has been given leave to defend a proceeding to which this Order applies shall be taken to have filed an appearance on the day leave was given.
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**ORDER 5**

**OFFICERS**

**5.01 Registrar to keep seal and books**

The Registrar—

- (a) has the custody of the seal of the Court; and
- (b) shall keep the books, including the register, as required.

**5.02 Registrar to permit searches in most cases**

- (1) The Registrar shall cause a search to be made in the books and registers in the Registrar's custody—
  - (a) when requested in writing containing sufficient particulars; and
  - (b) on payment of any prescribed fee.
- (2) Unless the Court otherwise orders, the Registrar, on payment of any prescribed fee, shall permit any person to search any documents filed in any proceeding.
- (3) This Rule does not apply to any register or to any documents relating to any proceeding under the **Adoption Act 1984** or any corresponding previous or subsequent enactment.
- (4) If at any time the Registrar requires directions as to whether any search shall be made—
  - (a) the Registrar shall apply to a Judge; and
  - (b) until the Judge so directs, no such search shall be made.

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**5.03 Registrar to have general administrative control**

Subject to the Rules and to any order or direction of the Chief Judge, the Registrar—

- (a) shall have general administrative control over all deputy registrars and officers of the Court; and
- (b) may give them such directions as are necessary to ensure efficient and uniform practice throughout the entire administration of the Court.

**5.04 Additional powers**

For facilitating the business of the Court, in addition to exercising any other powers or functions conferred or imposed on him or her by the Act, the Council of Judges, the Chief Judge or the Rules, the Registrar may in any proceeding—

- (a) make an order for the payment or taxation and payment of costs, including any reserved costs;
  - (b) by consent of the parties—
    - (i) give judgment for the recovery of any debt or damages together with interest or damages in the nature of interest;
    - (ii) discharge any bond lodged in Court;
    - (iii) strike out or dismiss any proceeding;
    - (iv) make an order for the payment out of Court of moneys paid into Court other than moneys paid into Court for the benefit of a person under a disability;
    - (v) make an order for a stay of execution.
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**5.05 Pre-trial matters after setting down**

If a proceeding has been set down for trial—

- (a) the Registrar may give notice to the parties or to their practitioners to attend before a Judge or the Registrar for a date to be fixed for the trial;
- (b) at the time and place named in the notice, the Judge or the Registrar may—
  - (i) make any order or give any direction which appears to him or her to be necessary to ensure that the proceeding is ready for trial, notwithstanding that no application by summons is before him or her;
  - (ii) forthwith refer the proceeding to a Judge;
  - (iii) fix a date for the trial of the proceeding.

**5.06 Deputy registrars**

A deputy registrar has all the powers and functions of the Registrar under this Order, except the powers and functions under Rule 5.03.

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**ORDER 6**

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**Note**

There is no Order 6.

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**ORDER 7**

**COMMERCIAL ARBITRATION**

**7.01 Definition**

In this Order—

*the Act* means the **Commercial Arbitration Act 1984**.

**7.02 Application of Order**

This Order applies—

- (a) to any arbitration in respect of which the Court has jurisdiction under the Act; and
- (b) to any proceeding in the Court under the Act.

**7.03 Jurisdiction**

- (1) A proceeding in the Court under the Act shall be commenced by originating motion.
- (2) An Associate Judge shall have jurisdiction under the Act, except under sections 38 to 45 of the Act.

**7.04 Enforcement of award**

- (1) Unless the Court otherwise orders, an application for leave under section 33 of the Act to enforce an award as a judgment or order of the Court—
  - (a) shall be supported by affidavit; and
  - (b) may be made without notice to any person.
- (2) An affidavit referred to in paragraph (1) shall—
  - (a) exhibit the arbitration agreement and the award or, in either case, a copy;
  - (b) state the extent to which the award has not been complied with at the date the application is made;

(c) state the usual or last known place of residence or business of the person against whom it is sought to enforce the award or, when that person is a corporation, its last known registered office.

(3) If leave is given, any party to the award may enter judgment in terms of the award.

**7.05 Indorsement and service of order**

An order of the Court giving leave to enforce an award shall—

(a) be indorsed with a statement that—

(i) the person on whom the order is served may apply within 14 days after service of the order (or, if the order is to be served out of Victoria, within such time as the Court orders) to set aside the order; and

(ii) until the expiration of that period or the determination of the application to set the order aside, the award cannot be enforced;

(b) be served on the person against whom it is sought to enforce the award.

**7.06 Appeal under section 38—judicial review of awards**

An appeal under section 38 of the Act shall be brought in accordance with Order 58 of Chapter I.

**7.07 Application under section 42**

In respect of an application under section 42 of the Act, the originating motion shall be filed and served within 42 days after the award is made.

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**7.08 Application under section 43**

In respect of an application to remit an award under section 43 of the Act, the originating motion shall be filed and served within 42 days after the award is made.

**7.09 Offer of compromise**

A party to an arbitration may serve on any other party an offer of compromise of a claim the subject of the arbitration on the terms specified in the offer.

**7.10 Form of offer**

An offer of compromise shall—

- (a) be in writing; and
- (b) contain a statement to the effect that it is served for the purpose of section 34 of the Act.

**7.11 Time for making, accepting, payment under etc. offer**

- (1) An offer of compromise may be served at any time before the determination of all questions of liability and the relief to be granted in respect of the claim to which the offer relates.
- (2) A party may serve more than one offer of compromise.
- (3) An offer of compromise may be expressed to be limited as to the time the offer is open to be accepted after service on the party to whom it is made, but the time expressed shall not be less than 14 days after such service.
- (4) A party on whom an offer of compromise is served shall, within three days after service, serve a written acknowledgement of service on the party serving the offer.

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- (5) A party on whom an offer of compromise is served may accept the offer by serving notice of acceptance in writing on the party who made the offer before the sooner of—
- (a) the expiration of the time specified in accordance with paragraph (3) or, if no time is specified, the expiration of 14 days after service of the offer; or
  - (b) the determination of all questions of liability and the relief to be granted in respect of the claim to which the offer relates.
- (6) An offer of compromise shall not be withdrawn during the time it is open to be accepted, unless the Court otherwise orders.
- (7) An offer of compromise is open to be accepted within the period referred to in paragraph (5) notwithstanding that during that period the party on whom the offer is served makes an offer of compromise to the party who served the offer of compromise, whether or not the offer made by the party served is made in accordance with this Order.
- (8) An offer of compromise providing for payment of a sum of money to a plaintiff shall, unless it otherwise provides, be taken to be an offer providing for payment of that sum within 14 days after acceptance of the offer.
- (9) An application to the Court under paragraph (6) for leave to withdraw an offer shall be made by originating motion in Form 5C of Chapter I.

**7.12 Effect of offer**

An offer of compromise made in accordance with this Order shall be taken to be an offer of compromise made without prejudice, unless the offer otherwise provides.

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**7.13 Disclosure of offer**

- (1) No statement of the fact that an offer of compromise has been made shall be contained in any pleading, affidavit or other document in the arbitration.
- (2) If an offer of compromise has not been accepted, no communication with respect to the offer shall be made to the arbitrator or umpire until after the determination of all questions of liability and the relief to be granted in respect of the claim to which the offer relates.
- (3) Paragraphs (1) and (2) shall not apply if an offer of compromise provides that the offer is not made without prejudice.

**7.14 Failure to comply with accepted offer**

- (1) If a party to an accepted offer of compromise fails to comply with the terms of the offer, then, unless for special cause the Court shall otherwise order, the other party shall be entitled, as that party may elect, to—
  - (a) judgment in the terms of the accepted offer;  
or
  - (b) if the party in default is claimant, an order that the arbitration be forever stayed, and if the party in default is respondent to the claim, an order declaring the compromise constituted by the acceptance of the offer to be of no effect and that the claimant be at liberty to proceed with the arbitration.
- (2) An application for judgment or an order under paragraph (1) shall be made to the Court by originating motion.

**7.15 Costs where offer not accepted**

In any exercise of discretion as to costs the arbitrator or umpire shall consider whether the party serving an offer of compromise was at all material times willing and able to carry out that party's part of what was proposed in the offer.

**7.16 Hearing on costs**

In arbitration proceedings the arbitrator shall not make a final award with respect to costs until the parties have had an opportunity to be heard on the question of the costs of the arbitration.

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**ORDER 8**

**PAYMENT INTO COURT BY BANK GUARANTEE**

**8.01 Application**

This Order applies in any proceeding in which the Court makes any of the orders referred to in Rule 8.02.

**8.02 Payment by way of irrevocable guarantee**

If the Court makes an order—

- (a) giving leave to defend conditionally upon payment of a sum of money into Court; or
- (b) requiring a party to pay money into Court as security for costs; or
- (c) requiring a party to pay money into Court pending judgment in any action or matter in the Court—

it is sufficient compliance with that order if the person ordered to pay the money into the Court files with the Registrar an irrevocable guarantee given by a bank to pay the sum.

**8.03 Requirement of guarantee**

An irrevocable guarantee given by a bank—

- (a) shall be in Form 2–8A;
- (b) shall be given by a bank approved by the Registrar; and
- (c) shall be sealed by the bank or signed by an officer of the bank who has written authority from the bank to sign such a guarantee on behalf of the bank.

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**8.04 Liability of bank**

- (1) A bank guarantee which is filed with the Registrar pursuant to an order under Rule 8.02 shall not be amended or revoked without the leave of the Court.
- (2) Unless the Court otherwise orders, a bank which has given a guarantee may discharge its liability under the guarantee only—
  - (a) by payment into Court of the total sum guaranteed; and
  - (b) by filing a Notice of Discharge and Payment into Court in Form 2–8B.

Order 9  
(Heading and  
rules 9.01–  
9.11)  
revoked by  
S.R. No.  
183/2009  
rule 11(1).

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**ORDER 10**

**CONFISCATION OF PROPERTY AND PROCEEDS OF  
CRIME**

**10.01 Definitions**

In this Order—

*the Act* means the **Confiscation Act 1997**;

*the Commonwealth Act* means the Proceeds of  
Crime Act 2002 of the Commonwealth.

**10.02 Application of this Order**

- (1) This Order applies to a proceeding in the Court under the **Confiscation Act 1997**.
- (2) This Order applies, with any necessary modification, to a proceeding under the Commonwealth Act.
- (3) Unless a Judge orders or directs otherwise, or the Act, the Commonwealth Act or the Rules otherwise provide, Rules 10.03 to 10.12 apply, with any necessary modification, in relation to—
  - (a) an application to the Court under Part 2, 3, 4, 5, 6, 8 or 13 of the Act (as the case requires);
  - (b) an application to the Court under the Commonwealth Act.
- (4) Order 10 of the County Court Miscellaneous Rules 1999 as in force immediately before the commencement of the County Court (Chapter II Amendment No. 2) Rules 1999 continues to apply to proceedings under the **Crimes (Confiscation of Profits) Act 1986**.

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- (5) Order 10A, as in force immediately before the commencement of the County Court (Chapter II Amendment No. 6) Rules 2006, continues to apply to any application or proceeding under the Proceeds of Crime Act 1987 of the Commonwealth—
- (a) made or commenced before the commencement of the Commonwealth Act; or
  - (b) continued pursuant to the Commonwealth Act or the Proceeds of Crime (Consequential Amendments and Transitional Provisions) Act 2002 of the Commonwealth.

**10.03 Making of application to the Court**

- (1) If, under the Act, notice of an application is required to be given, the application is taken to be made when the notice of application is filed.
- (2) An application under the Commonwealth Act is taken to have been made when it is filed.

**10.04 Notice and service generally**

- (1) If notice is required by or under the Act or this Order to be given to any person, it shall be in writing and served on that person in accordance with section 137 of the Act.
- (2) If notice is required by or under the Commonwealth Act to be given it shall be in writing.
- (3) A copy of an application, a copy of an affidavit and a notice given in a proceeding under the Commonwealth Act shall be served personally or in such other manner as the Court directs.

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**10.05 Applications for examination orders, restraining orders and monitoring orders**

- (1) An application for an examination order under section 98 of the Act shall be in Form 2–10A.
- (2) An application for a restraining order under the Act or the Commonwealth Act shall be in Form 2–10B with any necessary modification supported by an affidavit.
- (3) An application for a monitoring order under the Commonwealth Act may be in Form 2–10O with any necessary modification.

**10.06 Application without notice under the Act**

- (1) An application to the Court under the Act which is made without notice to any other person shall be in writing.
- (2) Any application to the Court under the Act which is made without notice and for which a Form is not prescribed in this Order may be in Form 2–10B with any necessary modification.
- (3) If, under section 17(1) of the Act, the Court requires notice to be given that the application has been made, the notice shall be in Form 2–10C.

**10.07 Other applications generally under Commonwealth Act**

An application to the Court under the Commonwealth Act for which a Form is not prescribed in this Order may be in Form 2–10B with any necessary modification.

**10.08 Notice of application**

- (1) Notice of an application to be made—
  - (a) under section 20 of the Act for an exclusion order shall be in Form 2–10D;

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- (b) under section 26 of the Act for further orders in relation to a restraining order shall be in Form 2–10E;
  - (c) under section 32 of the Act for a forfeiture order shall be in Form 2–10F;
  - (d) under section 37 of the Act for a civil forfeiture order shall be in Form 2–10A;
  - (e) under section 45 of the Act for relief from hardship shall be in Form 2–10G;
  - (f) under section 49, 51 or 53 of the Act for an exclusion order shall be in Form 2–10H;
  - (g) under section 58 of the Act for a pecuniary penalty order shall be in Form 2–10J;
  - (h) under section 98 of the Act shall be in Form 2–10K.
- (2) Notice of any other application to be made to the Court for an order or declaration may be in Form 2–10L with any necessary modification.
  - (3) Notice of an application to be made shall be given not less than five days before the day named in the notice for the hearing of the application.

**10.09 Filing and directions**

- (1) In a proceeding to which this Order applies—
  - (a) in the case of a proceeding under the Act—
    - (i) an application made without notice;
    - (ii) a notice of an application or any other notice given;
    - (iii) an affidavit to be relied on;
    - (iv) an order made; and

- 
- (b) in the case of a proceeding under the Commonwealth Act—
- (i) an application;
  - (ii) an affidavit; and
  - (iii) a copy of a notice given—
- shall be filed in the Court, unless the Court otherwise orders.
- (2) At the time when an application or notice of an application is filed, the Registrar shall insert the time and place at which the application is to be heard and such time and place shall be included in any copy which is served.
- (3) After an application or notice of an application has been filed, a Judge may give directions for the hearing of the application, including directions for the production to the Court of any transcript of proceedings relating to a conviction relied upon in the application.

**10.10 Notice of opposition to an application**

- (1) A person who intends to oppose an application for an order or declaration under the Act or the Commonwealth Act shall give notice to the applicant of the grounds on which the application will be opposed.
- (2) A notice under paragraph (1)—
- (a) shall be in Form 2–10P; and
  - (b) shall be served on the applicant not later than two days before the date fixed for the hearing of the application.

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**10.11 Evidence**

- (1) Evidence in support of an application for a restraining order under the Act shall be by affidavit, unless the application is brought on for hearing during or at the conclusion of the trial of the defendant.
- (2) Evidence in support of an application for a restraining order under the Commonwealth Act shall be by affidavit.
- (3) Evidence in support of an application for an exclusion order under the Act or the Commonwealth Act shall be by affidavit.
- (4) Subject to paragraphs (1), (2) and (3), evidence on the hearing of an application under the Act or the Commonwealth Act may be by affidavit and shall be by affidavit if the Court so directs.
- (5) A copy of an affidavit on which the applicant intends to rely shall be served on any person to whom notice of the application has been given.
- (6) A copy of an affidavit on which a person other than the applicant intends to rely shall be served on the applicant and any other person, if known, to whom notice of the application has been given.

**10.12 Notice of order or declaration**

- (1) Subject to paragraph (2) and Rule 10.13, where notice is required to be given to any person of an order made by the Court under the Act or the Commonwealth Act, notice shall be given—
  - (a) by serving a copy of the order on that person; and
  - (b) in the case of notice of an order under the Act, in accordance with section 137 of the Act.

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- (2) In the case of a restraining order made under Part 2 of the Act for the purpose of automatic forfeiture, a copy of the order shall be accompanied by a notice in Form 2–10M.
- (3) If a restraining order, forfeiture order or order for civil forfeiture under the Act is made by the Court upon the application of any person, notice of the order shall be given by the applicant to—
- (a) each person who the applicant has reason to believe has an interest in any of the property which is subject to the order, unless that person was present when the order was made or was given notice of the making of the application for the order; and
  - (b) such other person as the Court directs.
- (4) If a declaration is made by the Court—
- (a) under section 35(3) of the Act, of the date on which a person (in respect of whom a restraining order has been made) is deemed to have been convicted of a Schedule 2 offence; or
  - (b) under section 36 of the Act, that property has been forfeited—

notice of the order containing the declaration shall be given by the applicant to—

- (c) each person who the applicant has reason to believe had an interest in any of the property which is forfeited immediately before the property was forfeited, unless that person was present when the declaration was made or was given notice of the application for the declaration; and
  - (d) such other person as the Court directs.
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**10.13 Notice of discharge**

- (1) Notice under section 46(2), 47(2) or 48(2) of the Act of discharge of a forfeiture order, automatic forfeiture or a civil forfeiture order, as the case may be, shall be in Form 2-10N.
- (2) If a pecuniary penalty order registered under the Service and Execution of Process Act 1992 of the Commonwealth is discharged, notice of discharge shall be given by the person who procured the registration of the order.
- (3) Notice of discharge under paragraph (2) shall be given by sending a sealed copy of the order of discharge to the, registrar or other proper officer of the court in which the order was registered.

Order 11  
(Heading and  
rules 11.01-  
11.11)  
revoked by  
S.R. No.  
183/2009  
rule 11(1).

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**ORDER 11A**

**APPLICATIONS UNDER PART IIA OF THE EVIDENCE  
(MISCELLANEOUS PROVISIONS) ACT 1958**

Order 11A  
(Heading)  
amended by  
S.R. No.  
185/2009  
rule 9(1).

**11A.01 Application of Order and definitions**

(1) This Order applies to applications under Part IIA of the **Evidence (Miscellaneous Provisions) Act 1958**.

Rule 11A.01(1)  
amended by  
S.R. No.  
185/2009  
rule 9(2).

(2) In this Order, *the Act* means the **Evidence (Miscellaneous Provisions) Act 1958**.

Rule 11A.01(2)  
amended by  
S.R. No.  
185/2009  
rule 9(2).

**11A.02 Application under section 42E**

An application under section 42E(1) of the Act shall be made in accordance with Order 41A of Chapter I.

**11A.03 Application under section 42L**

Unless the application is made in accordance with section 42L(5) of the Act—

- (a) notice of an application under section 42L of the Act shall be in Form 2–11AA;
- (b) a copy of the notice shall be served as soon as practicable after the notice has been filed; and
- (c) service may be by pre-paid post.

**11A.04 Application under section 42M**

Unless the application is made in accordance with section 42M(5) of the Act —

- (a) notice of an application under section 42M of the Act shall be in Form 2–11AB;

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- (b) a copy of the notice shall be served as soon as practicable after the notice has been filed; and
- (c) service may be by pre-paid post.

**11A.05 Application under section 42N**

Unless the application is made in accordance with section 42N(3) of the Act—

- (a) notice of an application under section 42N of the Act shall be in Form 2-11AB; and
- (b) a copy of the notice shall be served as soon as practicable after the notice has been filed; and
- (c) service may be by pre-paid post.

**11A.06 Application under section 42P**

Unless the application is made in accordance with section 42P(5) of the Act—

- (a) notice of an application under section 42P of the Act shall be in Form 2-11AB;
  - (b) a copy of the notice shall be served as soon as practicable after the notice has been filed; and
  - (c) service may be by pre-paid post.
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**ORDER 12**

**PROCEEDINGS UNDER IMPRISONMENT OF FRAUDULENT  
DEBTORS ACT 1958**

**12.01 Application**

This Order applies to any proceeding under the  
**Imprisonment of Fraudulent Debtors Act 1958.**

**12.02 Filing of summons**

A summons to debtor shall be supported by  
affidavit filed when the summons is filed.

**12.03 Service of summons**

- (1) A summons to debtor shall be served personally  
not less than 6 days before the day the summons is  
listed for hearing.
- (2) The summons must be served personally unless  
the Court otherwise orders.

**12.04 Affidavit of service**

Unless the Court otherwise orders, an affidavit of  
service of the summons shall be filed not less than  
3 days before the day the summons is listed for  
hearing.

**12.05 Contents of affidavit in support**

An affidavit filed in support of the summons to  
debtor shall—

- (a) state the date and amount of the judgment;
- (b) state if the amount of the judgment has been  
reduced, the means of and amount of the  
reduction;
- (c) state the amount due on the judgment at the  
date of swearing the affidavit;

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- (d) state whether any other form of execution is still outstanding;
  - (e) be in Form 2–12A.

**12.06 Witnesses**

Any witness may be summoned to appear at the hearing of a summons to debtor.

**12.07 Warrants to be returned**

As soon as possible after filing a summons to debtor, the judgment creditor shall give notice of the filing of the summons to the sheriff or other person to whom any warrant, filed as a result of the judgment, has been issued.

**12.08 Certificate of payment**

A certificate of payment by a prisoner shall be in Form 2–12B.

**12.09 Costs**

- (1) Unless the Court otherwise orders, costs incurred by a judgment creditor in endeavouring to enforce a judgment are recoverable under an order or judgment.
- (2) Unless the Court otherwise orders, if the amount for which judgment is given is less than \$1000, no costs shall be allowed.

**12.10 Indorsement on warrant**

If a debtor is ordered to be committed to prison, the warrant of commitment shall be indorsed with—

- (a) the amount to be paid on the judgment;
- (b) all costs to be paid;
- (c) the period of imprisonment.

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**12.11 Discharge by payment**

- (1) At any time before a debtor is delivered into the custody of the gaoler, the debtor may pay to the sheriff, bailiff, or other person to whom the warrant is issued the full amount indorsed on the warrant.
  - (2) Upon payment of the full amount the debtor shall be discharged.
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**ORDER 13**

**PROCEEDINGS UNDER PART IV OF THE  
ADMINISTRATION AND PROBATE ACT 1958**

**13.01 Definitions**

In this Order—

*personal representative* does not include an executor who has not proved;

*Part IV* means Part IV of the **Administration and Probate Act 1958**.

**13.02 Application**

This Order applies to any proceeding in the Court under Part IV.

**13.03 Application by originating motion**

- (1) An application under Part IV—
  - (a) shall be made by originating motion; and
  - (b) in addition to the requirement of Rule 27.02(2) of Chapter I, shall be entitled "In the matter of the estate of [*name of deceased*], deceased".
- (2) If the application is in respect of the estate of a person who died after the commencement of Part 7 of the **Wills Act 1997**, the affidavit in support of the application shall, amongst other things, state the acts, facts, matters and circumstances upon which the plaintiff relies to establish that the person on whose behalf the application is made is a person for whom the deceased had responsibility to make provision.

**Note**

Part 7 of the **Wills Act 1997** commenced on 20 July 1998.

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**13.04 Parties to application**

- (1) Each personal representative shall be a defendant unless that personal representative is a plaintiff.
- (2) If a plaintiff is the sole personal representative, the defendant shall be a person having a substantial interest in opposing the application.
- (3) No other person shall be a defendant to the application in the first instance.

**13.05 Directions to be given**

No step shall be taken in the proceeding after appearance until directions have been given in accordance with Rule 13.06.

**13.06 Summons for directions**

- (1) Within 7 days after the time limited for appearance the plaintiff shall apply to the Court for directions.
- (2) If the plaintiff fails to apply, the defendant may apply for directions within 14 days after the time limited for appearance.

**13.07 Directions**

On the application for directions the Court shall—

- (a) ascertain—
  - (i) the nature of the relief which the plaintiff seeks; and
  - (ii) the persons or classes of persons who would be affected by the grant of that relief—

and for this purpose may require the plaintiff and defendant to supply such information as the Court thinks necessary;

- (b) direct that notice of the application be served on any person;

- (c) direct what persons shall be added as defendants;
- (d) direct what persons are to represent classes of defendants;
- (e) order that any defendant be authorised to defend on behalf of or for the benefit of all persons having the same or similar interest and that all persons so interested shall be bound by any order in the proceeding;
- (f) give such other directions as the Court thinks fit.

**13.08 Failure to comply with directions**

If the plaintiff does not apply for directions or comply with any direction given, the Court may dismiss the application.

**13.09 Production of probate**

On the trial of the proceeding the personal representative shall produce to the Court the probate of the will of the deceased or the letters of administration of his or her estate.

**13.10 Procedure after order for plaintiff**

- (1) If an order is made in favour of a plaintiff, the Judge's Associate or Associate Judge's Associate shall deliver the probate or letters of administration to the Registrar.
- (2) The Registrar shall deliver the probate or letters of administration to the Registrar of Probates together with 4 copies of the order authenticated in accordance with Order 60A of Chapter I.
- (3) The Registrar of Probates shall attach to the probate or letters of administration a copy of the order and shall—

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009  
Order 13

**r. 13.10**

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- (a) deliver the probate or letters of administration to the personal representative or the personal representative's solicitor; and
  - (b) deliver a copy of the order to the plaintiff or the plaintiff's solicitor.

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**Order 14  
(Heading and  
rule 14.01)  
revoked by  
S.R. No.  
183/2009  
rule 11(1).**

**ORDER 15**

**SERVICE AND EXECUTION OF PROCESS RULES**

**15.01 Definitions**

In this Order—

*appropriate court* has the same meaning as in Part 6 of the Act

*court of rendition* has the same meaning as in Part 6 of the Act

*place of rendition* has the same meaning as in Part 6 of the Act;

*the Act* means the Service and Execution of Process Act 1992 of the Commonwealth.

**15.02 How application made**

An application under section 71 or 72 of the Act shall be made by originating motion in Form 5C of Chapter I.

**15.03 Enforcement of judgment**

A person who seeks to enforce a judgment registered under the Act shall before taking any step under the Act or Chapter I for such enforcement file an affidavit stating—

- (a) that the judgment is capable of being enforced in or by the court of rendition or a court in the place of rendition; and
- (b) the extent to which it is so capable.

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**15.04 Costs**

The same costs shall be allowed in relation to the enforcement of a judgment registered under the Act in a court in Victoria as are allowed upon the enforcement of a like judgment of the Victorian court.

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**ORDER 16**

**APPLICATIONS UNDER THE BIRTHS, DEATHS AND  
MARRIAGES REGISTRATION ACT 1996**

**16.01 Application of Order and definition**

- (1) This Order applies to applications to the Court under the **Births, Deaths and Marriages Registration Act 1996**.
- (2) In this Order, *the Act* means the **Births, Deaths and Marriages Registration Act 1996**.

**16.02 Application for approval of a proposed change of name for a child**

- (1) An application under section 26(4) of the Act shall be—
  - (a) by notice in Form 2–16A; and
  - (b) supported by affidavit in Form 2–16B at the time the notice is filed.
- (2) Unless the Court otherwise orders, a copy of the notice and the affidavit in support shall be served on the respondent as soon as practicable after the notice has been filed.

**16.03 Order**

An order approving a proposed change of name for a child under section 26(4) of the Act shall be in Form 2–16C.

**16.04 Other applications**

Any other application to the Court under the Act—

- (a) may be by notice in Form 2–16D; and
  - (b) shall be supported by affidavit.
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**ORDER 17**

**JURY SERVICE APPEALS**

**17.01 Application**

This Order applies to any proceeding in the Court under section 10 of the **Juries Act 2000**.

**17.02 Definitions**

In this Order—

*appellant* means any person who is aggrieved by a decision of the Juries Commissioner under section 7, 8 or 9 of the Act;

*the Act* means the **Juries Act 2000**.

**17.03 Lodgment of appeal under section 10**

- (1) An appellant shall deliver or send by post to the Juries Commissioner a notice of appeal stating—
  - (a) the reasons why the appellant is aggrieved by the Juries Commissioner's decision; and
  - (b) whether the appellant wishes to have the appeal determined by the Judge without any attendance by or on behalf of the appellant.
- (2) If in the notice delivered under paragraph (1) the appellant fails to state reasons, the Juries Commissioner shall send to the appellant a notice—
  - (a) directing that the appellant within 14 days of the date of service of the notice deliver or send by post reasons in writing to the Juries Commissioner; and
  - (b) stating that if the appellant fails to do so the appeal will be taken to be abandoned.

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- (3) If the appellant fails to deliver or send by post written reasons in accordance with the notice in paragraph (2), the appeal is abandoned.

**17.04 Papers for Judge**

After receiving a notice of appeal and reasons the Juries Commissioner shall without delay deliver all papers relating to the appeal to a Judge nominated by the Chief Judge.

**17.05 Judge to consider papers**

- (1) If the appellant has expressed the wish to have the appeal determined without any attendance by or on behalf of the appellant, the Judge after examining the papers may—
- (a) determine the appeal on the papers; or
  - (b) set a date, time and place for hearing the appeal.
- (2) In any other case, the Judge after examining the papers may—
- (a) allow the appeal on the papers; or
  - (b) set a date, time and place for hearing the appeal.
- (3) The Juries Commissioner shall without delay notify the appellant of the Judge's determination under this Rule.

**17.06 Hearing of appeal**

Subject to Rule 17.07, at the hearing of an appeal the Judge—

- (a) shall hear the appellant; and
  - (b) may permit the Juries Commissioner to take part in the appeal; and
  - (c) shall conduct the appeal in such manner as the interests of justice require.
-

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**17.07 If appellant does not appear at hearing**

- (1) If at the hearing of the appeal there is no attendance by or on behalf of the appellant, the Judge may determine the appeal on the papers.
  - (2) The Juries Commissioner shall without delay notify the appellant of the Judge's determination under this Rule.
-

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

**Form 2-2A**

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**FORMS**

**Forms  
2-2A-2-2C  
revoked by  
S.R. No.  
183/2009  
rule 1.14(Sch. 1  
item 3(2)).**

\* \* \* \* \*

Rule 2.05

**FORM 2-2D**

**NOTICE OF APPEAL AND UNDERTAKING TO PROSECUTE  
UNDER SECTION 328 OF THE CHILDREN, YOUTH  
AND FAMILIES ACT 2005**

Form 2-2D  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 10(a)(b)).

The name of the appellant is:

The name and address of the respondent is:

1. To the Registrar of the Children's Court at:
2. To the Registrar of the County Court at:
3. And to the abovenamed respondent:
  - A. The proceeding(s) appealed from—
    1. Venue of the Children's Court appealed from:
    2. Date(s) of order(s) made in the Children's Court:
    3. Particulars of order(s) [*if space insufficient attach extra page(s)*]
  - B. The appeal is to be heard by the County Court \*at a.m. [*or* p.m.] on [date], at, [*or*] \*at a time and place to be fixed by the Registrar of the County Court.
  - C. General Grounds of Appeal [*insert particulars*]
  - D.
    1. Appellant's personal address for service:
    2. Solicitor's name and address for service:
  - E. The appellant requests the Registrar of the County Court to list the appeal.

Dated:

Signature of \*Appellant/\*Solicitor for Appellant

\* Delete if inapplicable.

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-2D

**UNDERTAKING TO PROSECUTE**

I, *[name]*

of *[address]*

UNDERTAKE to

- (1) \*appear at the County Court to prosecute the appeal at \_\_\_\_\_ a.m.  
[or p.m.] on *[date]*, at 250 William Street, Melbourne, to appear  
in the County Court for the duration of the appeal; and

OR

\*appear at the County Court sitting at \_\_\_\_\_ to prosecute the appeal  
on a day to be fixed by the Registrar of the County Court and to  
appear for the duration of the appeal; and

- (2) to notify the Registrar of the County Court in writing of any change of  
address from that appearing in the notice of appeal.

Dated:

Signature of appellant

In the presence of:

\* Delete if inapplicable.

Form 2-2E  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 5(1)).

\* \* \* \* \*

Form 2-2F  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 5(2)(c)).

\* \* \* \* \*

Rule 2.08

**FORM 2-2G**

**NOTICE OF ABANDONMENT OF APPEAL**

Form 2-2G  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 10(c)).

[Where appeal is under section 328 of the **Children, Youth and Families Act 2005**]

IN THE COUNTY COURT  
OF VICTORIA  
AT

The name of the appellant is:

The name and address of the respondent(s) are:

I wish to abandon my appeal against the order(s) made by the Children's Court. I give notice of the abandonment of the appeal, particulars of which are set out below:

1. Venue of Children's Court at which order(s) were made:
2. Date of order(s):
3. Particulars of order(s) [*if space insufficient attach extra page(s)*]

I acknowledge that the order(s) appealed from shall now take effect.

Dated:

Signature of appellant

\_\_\_\_\_

**Form 2-2H**

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Rule 2.09

**FORM 2-2H**

**APPLICATION FOR LEAVE TO ABANDON APPEAL FROM THE  
MAGISTRATES' COURT OUT OF TIME**

1. In the County Court of Victoria at:
2. The name of the appellant is:
3. The name and address of the respondent is:
4. To the Registrar of the County Court at \_\_\_\_\_ and  
To the abovenamed respondent:
5. I wish to abandon my appeal out of time.
6. I give notice of my application for leave to abandon the appeal out of  
time, particulars of which are set out below:
7. Date charge(s) or proceeding(s) initiated:
8. Nature of offence(s) or proceeding(s) [*state shortly*]:
9. Date of sentencing order(s) in the Magistrates' Court:
10. Venue of Magistrates' Court where proceeding(s) heard:  
Magistrates' Court at:

Thirty (30) days having expired since the day on which the sentencing order  
of the Magistrates' Court was made, I seek leave of the County Court to  
abandon my appeal because of the existence of exceptional circumstances:  
[*state briefly the exceptional circumstances*]

Dated:

Appellant

This application for leave to abandon appeal will be listed for hearing before  
the County Court at \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
on [*date*]

\*Registrar/\*Deputy Registrar

(A copy of this notice to be given to the Appellant)

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County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

**Form 2-2J**

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\* \* \* \* \*

**Form 2-2J  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 6(2)).**

Form 2–2K

Rule 2.11(1)

Form 2-2K  
amended by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 10(d)).

**FORM 2–2K**

**ORDER STRIKING OUT APPEAL**

IN THE COUNTY COURT  
OF VICTORIA  
AT

In the matter of the **Children, Youth  
and Families Act 2005**  
and  
In the matter of an appeal by  
[*name of appellant*]

**ORDER**

Judge:

Date made:

The Appellant \*failed to appear at the time listed for the hearing of the  
appeal [*or*]  
\*abandoned the appeal in accordance with section 430C of  
the **Children, Youth and Families Act 2005**.

The Court orders that the appeal be struck out.

[When a custodial order was imposed in the Children's Court—the Appellant  
\*has/\*has not been returned to custody]

Date:

\*Judge/\*Registrar

\* Delete if inapplicable.

[A copy of this order is to be provided to:

The Children's Court  
The respondent or to the respondent's legal practitioner].

Form 2-2L  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 7(2)).

\* \* \* \* \*

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Rule 2.13

**FORM 2-2M**

**NOTICE TO CERTAIN OFFICIALS OF COUNTY COURT'S  
APPEAL DECISION**

To the Registrar of the County Court at:

To the Registrar of the Children's Court at:

Regarding an Appeal from order(s)—recorded at the Children's Court at  
on [date]

---

*Appellant*

*Respondent*

---

The details are as follows:

---

*Registrar's Number*

*Order(s) Appealed  
Against*

*Result of Appeal*

---

[When a custodial sentence was imposed (confirmed)—the Appellant  
\*has/\*has not been returned to custody]

Before His/Her Honour Judge      at      on [date]      .      Associate  
Registrar

\* Delete if inapplicable.

---



County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-2N

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[Office use only]

- To: 1. The Appellant  
2. Criminal Trial Listing Directorate  
3. Prosecuting Agency

The Application for reinstatement is listed for \_\_\_\_\_ at \_\_\_\_\_ a.m.  
Registrar

---

\* \* \* \* \*

**Forms 2-2O,  
2-2P  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 9(b).**



County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-4A

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If you pay the amount claimed, namely, \$        and \$        for legal costs to the plaintiff or the plaintiff's legal practitioner within the proper time stated above, this proceeding will come to an end. Notwithstanding the payment you may have the costs taxed by the Court.

APPLICATION FOR LEAVE TO DEFEND must be made within the proper time stated above to the Court. It is not necessary to give notice of the application to the plaintiff.

THE COURT MAY GIVE LEAVE TO DEFEND if you—

- (a) pay into the Court the amount claimed, namely, \$        ; or
- (b) file affidavits satisfactory to the Court which disclose—
  - (i) facts which disclose defence; or
  - (ii) such facts as would make it incumbent on the holder to prove consideration; or
  - (iii) such other facts as the Court considers sufficient to support the application.

FILED [*e.g. 15 June 20*    ].

Registrar

THIS WRIT is to be served within one year from the date it is filed or within such further period as the Court orders.

The plaintiff claims \$        principal and interest [*or \$        balance of principal and interest*] due to the plaintiff as the payee [*indorsee or bearer*] of a bill of exchange [*promissory note or order for the payment of money*] of which the following is a copy:

[*Here copy bill and all indorsements on it*]

Complete as follows:

1. Place of trial—  
(If no place of trial is specified, trial will be at Melbourne.)
2. Mode of trial—  
(If trial before a Judge and jury is not specified, trial will be before a Judge sitting alone.)
3. \* This writ was filed—
  - (a) by the plaintiff in person;
  - (b) for the plaintiff by [*name or firm of legal practitioner*], legal practitioner, of [*business address of legal practitioner*]

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-4A

---

(c) for the plaintiff by [*name or firm of legal practitioner*], legal practitioner, of [*business address of legal practitioner*] as agent for [*name or firm of principal legal practitioner*], legal practitioner, of [*business address of principal*].

4. The address of the plaintiff is—

5. The address for service of the plaintiff is—

*[If the plaintiff sues by a legal practitioner, the address for service is the business address of the legal practitioner or, if the legal practitioner acts by an agent, the business address of the agent. If the plaintiff sues without a legal practitioner, the address for service is stated in 4, but, if that address is outside Victoria, the plaintiff must state an address for service within Victoria.]*

6. The address of the defendant is—

\* *[Complete or strike out as appropriate.]*

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Rule 4.05

**FORM 2-4B**

**APPLICATION FOR LEAVE TO APPEAR AND TO DEFEND  
(Instruments Act 1958)**

IN THE COUNTY COURT  
OF VICTORIA  
AT

Court ref:

A.B. Plaintiff

and

C.D. Defendant

**PART 1—PARTICULARS OF APPLICATION**

THE DEFENDANT seeks the leave of the Court to file an appearance to the writ and to defend the proceeding.

\*1. On [date] the sum of \$ (being the sum claimed in the writ) was paid into court by the defendant.

\*1. The affidavit(s) of [name of deponents] setting out the facts upon which the defendant relies in this application are filed herewith.

2. The date of service of the writ was [insert date].

Date—

[Signature]

\*Defendant

\*Defendant's legal practitioner

**PART 2—PARTICULARS OF HEARING**

THIS APPLICATION will be heard before the Judge in the Practice Court at the County Court at [address] on [date] at [time].

[Registrar]

\*delete if inapplicable

Form 2-4C

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Rule 4.05

**FORM 2-4C**

**APPLICATION FOR LEAVE TO COMMENCE MORE THAN ONE  
PROCEEDING ON 2 OR MORE BILLS**

**(Instruments Act 1958)**

IN THE COUNTY COURT

OF VICTORIA

Court ref:

AT

A.B. Plaintiff

and

C.D. Defendant

**PART 1—PARTICULARS OF APPLICATION**

THE PLAINTIFF seeks the leave of the Court to commence the following further proceeding under the **Instruments Act 1958** against [*name of defendant*].

The following is a copy of the proposed writ in the further proceeding—

[*Here attach copy of proposed writ*]

The plaintiff has previously commenced the following proceedings(s) under the **Instruments Act 1958** in respect of matured bills against the defendant—

[*Here set out details of the proceeding(s) and in respect of each proceeding include its title, relevant court reference, amount claimed and amount outstanding*]

Date

[*Signature*]

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

**Form 2-4C**

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PART 2—PARTICULARS OF HEARING

THIS APPLICATION will be heard before the Judge in the Practice Court at the County Court at [address] on [date] at [time].

[Registrar]

---

Form 2-8A

Rule 8.03

**FORM 2-8A**

**IRREVOCABLE GUARANTEE**

IN THE COUNTY COURT

OF VICTORIA

20 No.

AT

Between

A.B. Plaintiff

and

C.D. Defendant

The [*name of bank*] of [*address*] undertakes to hold itself responsible for the payment into Court of \$ ordered to be paid by the \*plaintiff/\*defendant in the above matter by order of His/Her Honour Judge [*or Associate Judge*] on [*date of order*].

The bank acknowledges that this undertaking can be amended or revoked only with the leave of the Court or discharged by payment of the sum of \$ into Court.

Dated this            day of            20 .

[*Sealed by the bank*

*or*

\* *Signed by an officer of the bank  
authorised in writing.*]

\* *Delete if inapplicable.*

Rule 8.04(2)(b)

**FORM 2-8B**

**NOTICE OF DISCHARGE AND PAYMENT INTO COURT**

*[heading as in Form 2-8A]*

The *[name of bank]* of *[address]* which  
guaranteed the payment of \$ into Court on behalf of the  
*\*plaintiff/\*defendant* in the above matter hereby discharges the guarantee and  
pays into Court the total sum of money so guaranteed.

Dated this day of 20 .

*[Sealed by the bank*

*or*

*\* Signed by an officer of the bank  
authorised in writing.]*

*\* Delete if inapplicable.*

\* \* \* \* \*

**Forms  
2-9A-2-9J  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 11(2).**

Rule 10.05(1)

**FORM 2-10A**

IN THE COUNTY COURT OF VICTORIA  
IN THE MATTER of the **Confiscation Act 1997**  
and

IN THE MATTER of an offender or alleged offender, XY [*name in full*]  
and

IN THE MATTER of an Application by AB [*name in full*]                      Applicant

**APPLICATION UNDER SECTION 98 FOR EXAMINATION ORDER**

**TO:** The Registrar of the County Court of Victoria

**TAKE NOTICE THAT** [*name of the person making the application*]  
("the Applicant")

**MAKES APPLICATION** under section 98 of the **Confiscation Act 1997** ("the Confiscation Act") for an **ORDER** for the **EXAMINATION** before the Court of the persons listed in Part 3 of this application in respect of the nature and location of any property in which the said XY has or may have an interest or any property which the applicant for the order believes, on reasonable grounds, to be tainted property within the meaning of the Confiscation Act.

**THE ADDRESS FOR SERVICE** of the Applicant is: [*insert address*]

**PARTICULARS OF APPLICATION**

1. THE JURISDICTION to make the order(s) sought arises because XY—

- \* has been charged with
- \* has been convicted of

[*state offence and, if relevant, details of conviction*]

and that offence is, within the meaning of the Confiscation Act—

- \* a Schedule 1 offence
- \* a Schedule 2 offence

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-10A

- 
- \* a court has made a restraining order against property under section 18 of the Confiscation Act in relation to a Schedule 2 offence.
2. THE APPLICANT is a "relevant person" within the meaning of section 98 and is—
- \* the Director of Public Prosecutions
  - \* a prescribed person
  - \* a person belonging to a prescribed class of persons, namely [*identify class*].
3. THE APPLICANT seeks to examine the following persons—[*name and address of person(s) who are sought to be examined*].
4. THE GROUNDS on which this application is made are as follows—  
[*set out in detail the grounds of the application*].
5. THE APPLICANT RELIES upon the affidavit(s) made by [*name of deponent(s)*] filed in support of this application and to be served herewith.

Date:

[*Signed by Applicant*]

**PARTICULARS OF HEARING**

THIS APPLICATION will be heard before the Judge in the Practice Court at the [*number*] Court, 250 William Street, Melbourne on [*date*] at [*time*].

[*Signed by Registrar*]

---

\* Delete if not applicable

---

Form 2-10B

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Rules 10.05(2), 10.06(2) and 10.07

**FORM 2-10B**

IN THE COUNTY COURT OF VICTORIA

IN THE MATTER of the **\*Confiscation Act 1997**/**\*Proceeds of Crime Act 2002** of the Commonwealth

and

IN THE MATTER of \*an offender or alleged offender, XY [*name in full*]

\*a suspect, CD [*name in full*]

\*the property [*insert details*]

and

IN THE MATTER of an Application by AB [*name in full*] Applicant

**APPLICATION UNDER SECTION [*insert relevant section and relevant Act*] FOR RESTRAINING ORDER**

**TO:** the Registrar of the County Court of Victoria

**TAKE NOTICE THAT** [*name of the person making the application*]  
("the Applicant")

**MAKES APPLICATION** under

\* section \*16(1), \*16(2)(a), \*16(2)(b), \*16(2)(c) or \*16(2)(d) of the **Confiscation Act 1997 ("the Confiscation Act") FOR A RESTRAINING ORDER** in respect of property in which the said XY has an interest or which is tainted property within the meaning of the Confiscation Act.

\* section \*17, \*18, \*19 or \*20 of the Proceeds of Crime Act 2002 of the Commonwealth (**"the Commonwealth Act"**) **FOR A RESTRAINING ORDER** in respect of property which may be the subject of a restraining order under that Act [*insert relevant details*].

**THE ADDRESS FOR SERVICE** of the Applicant is: [*insert address*]

---

---

**PARTICULARS OF APPLICATION**

1. THE JURISDICTION to make the order(s) sought arises because—
    - \* XY has been charged with
    - \* within the next 48 hours, XY will be charged with
    - \* XY has been convicted of  
*[state offence and, if relevant, details of conviction]*and that offence is, within the meaning of the Confiscation Act—
    - \* a Schedule 1 offence
    - \* a Schedule 2 offence
    - \* in the case of an application under section 16(2)(a) of the Confiscation Act, a member of the police force suspects on reasonable grounds that property is tainted property in relation to a Schedule 2 offence.
    - \* pursuant to the Commonwealth Act *[insert relevant details]*
  2. THE APPLICANT is—
    - \* the Director of Public Prosecutions
    - \* a prescribed person
    - \* a person belonging to a prescribed class of persons, namely *[identify class]*
    - \* in the case of an application under the Commonwealth Act, the Director of Public Prosecutions within the meaning of the Commonwealth Act.
  3. THE APPLICATION IS IN RESPECT OF the following property—  
*[describe the property in detail]*
  4. THE GROUNDS on which this application is made are as follows—  
*[set out in detail the grounds of the application]*
  5. THE PURPOSE OF THE ORDER SOUGHT is so that—
    - \* in the case of an application under the Confiscation Act, the property the subject of the order will be available—
      - \* to satisfy any forfeiture order that may be made under Division 1 of Part 3 of the Confiscation Act
-

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-10B

- \* to satisfy automatic forfeiture of property that may occur under Division 2 of Part 3 of the Confiscation Act
- \* to satisfy any civil forfeiture order that may be made under Part 4 of the Confiscation Act
- \* to satisfy any pecuniary penalty order that may be made under Part 8 of the Confiscation Act
- \* to satisfy any order for restitution or compensation that may be made under the **Sentencing Act 1991**
- \* in the case of an application under the Commonwealth Act, to satisfy *[insert relevant details]*

**THE APPLICANT RELIES** upon the affidavit(s) made by *[name of deponent(s)]* filed in support of this application and to be served herewith.

Date:

*[Signed by Applicant]*

**PARTICULARS OF HEARING**

This application will be heard—

by \*the Judge in the Practice Court/\*the trial Judge  
in the *[number]* Court at 250 William Street, Melbourne,  
on *[date]* \*at *[time]*/\*after sentence.

*[Signed by Registrar]*

\* Delete if not applicable

---

Rule 10.06(3)(a)

**FORM 2-10C**

*[heading as in Form 2-10A]*

**NOTICE OF APPLICATION MADE UNDER SECTION 16**

TO: *[name and address of person(s) to whom this notice is to be given]*

TAKE NOTICE THAT APPLICATION HAS BEEN MADE to the County Court of Victoria under section 16 of the **Confiscation Act 1997** for a Restraining Order in respect of certain property belonging to *[name in full]*.

**A copy of the application is attached.**

THIS NOTICE is given to you as a person who may have an interest in the property which is the subject of the application. This Notice is given by the Applicant pursuant to an Order of the County Court made in this proceeding on *[date]*.

THE HEARING of this application will be resumed—

by \*the trial Judge/\*the Judge in the Practice Court  
at the *[number]* Court, 250 William Street, Melbourne, on  
*[date]* at *[time of day or the occasion]*.

*[Signed by Registrar]*

AS A PERSON TO WHOM THIS NOTICE IS GIVEN—

1. You are entitled to appear and to give evidence at the hearing of the application, but your absence will not prevent the Court from making the order which is being sought.
2. If you propose to contest this application for an exclusion order, the Rules of the County Court require you to give the Applicant notice of the grounds on which the application is to be contested. The Rules also provide that evidence may be given by affidavit. You must serve on the applicant any affidavit(s) on which you intend to rely.

Date:

*[Signed by Applicant]*

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

**Form 2-10C**

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NOTE: If a Restraining Order is made under the **Confiscation Act 1997** then in certain events the property in respect of which the Order is made may be taken by the State and any interest you have in that property may be lost.

---

\* Delete if not applicable

---

---

Rule 10.08(1)(a)

**FORM 2-10D**

IN THE COUNTY COURT OF VICTORIA

IN THE MATTER of the **Confiscation Act 1997**

and

IN THE MATTER of an offender or alleged offender, XY [*name in full*]

BETWEEN:

AB	Applicant
and	
CD	Respondent

**NOTICE OF APPLICATION TO BE MADE UNDER SECTION 20  
FOR EXCLUSION ORDER**

**TO:** [*name and address of the person(s) on whom this application is to be served*]

("the Respondent(s)")

**TAKE NOTICE THAT** [*name of the person making the application*]

("the Applicant")

**INTENDS TO APPLY** under section 20 of the **Confiscation Act 1997** ("the Confiscation Act") for an Order excluding from a Restraining Order the following property: [*describe in detail the property which it is sought to exclude from the Restraining Order*].

**THE ADDRESS FOR SERVICE** of the Applicant is [*insert address*]

**PARTICULARS OF APPLICATION**

1. THE JURISDICTION to make the order sought arises because (or when) a Restraining Order has been made under section 18 of the Confiscation Act in relation to the property of [*name in full*] on the application of [*name of applicant for Restraining Order*].
2. THE APPLICANT is a person claiming an interest in the following property which is otherwise subject to the Restraining Order, that is to say: [*describe in detail the property in respect of which exclusion is sought*].

Form 2-10D

- 
3. THE RESPONDENT(S) to this application is/are—
- \* a person who the Applicant has reason to believe has an interest in the property in respect of which exclusion is sought
  - \* the applicant for the abovementioned Restraining Order.
4. THE GROUNDS on which this application will be made are as follows—  
[set out in detail the grounds of the application].

**THE APPLICANT WILL RELY** upon the affidavit(s) made by [name of deponent(s)] filed in support of this application and to be served herewith.

Date:

[Signed by Applicant]

**PARTICULARS OF HEARING**

THIS APPLICATION will be heard before the Judge in the Practice Court at the [number] Court, 250 William Street, Melbourne on [date] at [time].

[Signed by Registrar]

**NOTES FOR THE PERSON(S) ON WHOM THIS NOTICE IS SERVED**

You are entitled to appear and to give evidence at the hearing of the application, but your absence on that occasion will not prevent the Court from making an order.

If you propose to contest this application, you are required to give the Applicant notice of the grounds on which the application is to be contested. The Rules of the County Court also provide that evidence may be given on affidavit. You must serve on the Applicant any affidavit(s) on which you intend to reply.

---

\* Delete if not applicable

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Rule 10.08(1)(b)

**FORM 2-10E**

*[heading as in Form 2-10D]*

**NOTICE OF APPLICATION TO BE MADE UNDER SECTION 26  
FOR FURTHER ORDERS**

**TO:** *[name and address of the person(s) on whom this application is to be served]*

("the Respondent(s)")

**TAKE NOTICE THAT** *[name of the person making the application]*

("the Applicant")

**INTENDS TO APPLY** under section 26 of the **Confiscation Act 1997** ("the Confiscation Act") **FOR FURTHER ORDER(S)** in relation to property to which a Restraining Order relates, that is to say—

*[set out in detail the order(s) sought]*

**THE ADDRESS FOR SERVICE** of the Applicant is: *[insert address]*.

**PARTICULARS OF APPLICATION**

1. THE JURISDICTION to make the order(s) sought arises because in relation to the property of XY—
  - \* application has been made to the County Court of Victoria for a Restraining Order
  - \* the County Court of Victoria made a Restraining Order on *[date]*.
2. THE APPLICANT is: *[describe the standing of the Applicant to make the application, e.g. the applicant for the Restraining Order OR a person who claims an interest in property to which the Restraining Order relates OR the person to whose property the Restraining Order relates OR otherwise as specified in section 26(2) of the Confiscation Act]*.
3. THE APPLICATION IS IN RESPECT of the following property—  
*[describe in detail the property to which the further order(s) sought will relate]*.
4. THE RESPONDENT(S) to this application is/are each a person referred to in paragraphs (a) to (d) of sub-section (2) of section 26 of the Confiscation Act who could have applied for the Order(s) which is/are sought on this application.

Form 2-10E

---

5. THE GROUNDS on which this application will be made are as follows—

*[set out in detail the grounds of the application].*

**\*THE APPLICANT WILL RELY** upon the affidavit(s) made by *[name of deponent(s)]* filed in support of this application and to be served herewith.

Date:

*[Signed by Applicant]*

**PARTICULARS OF HEARING**

THIS APPLICATION will be heard before the Judge in the Practice Court at the *[number]* Court, 250 William Street, Melbourne on *[date]* at *[time]*.

*[Signed by Registrar]*

**NOTES FOR THE PERSON(S) ON WHOM THIS NOTICE IS SERVED**

You are entitled to appear and to give evidence at the hearing of the application, but your absence on that occasion will not prevent the Court from making an order.

If you propose to contest this application, you are required to give the Applicant notice of the grounds on which the application is to be contested. The Rules of the County Court also provide that evidence may be given by affidavit. You must serve on the Applicant any affidavit(s) on which you intend to rely.

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\* Delete if not applicable

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Rule 10.08(1)(c)

**FORM 2-10F**

*[heading as in Form 2-10D]*

**NOTICE OF APPLICATION TO BE MADE UNDER SECTION 32  
FOR FORFEITURE ORDER**

**TO:** *[name and address of the person(s) on whom this application is to be served]*

("the Respondent(s)")

**TAKE NOTICE THAT** *[name of the person making the application]*

("the Applicant")

**INTENDS TO APPLY** under section 32(1) of the **Confiscation Act 1997** ("the Confiscation Act") **FOR A FORFEITURE ORDER** with respect to the following property: *[describe in detail the property in respect of which the forfeiture order is sought]*.

**THE ADDRESS FOR SERVICE** of the Applicant is: *[insert address]*.

**PARTICULARS OF APPLICATION**

1. THE JURISDICTION to make the order sought arises because (or when) XY has been convicted in the County Court of Victoria at *[place]* on *[date]* of the offence of *[describe the offence]* which is a Schedule 1 offence within the meaning of the Confiscation Act.
2. THE APPLICANT is—
  - \* the Director of Public Prosecutions
  - \* an appropriate officer within the meaning of the Confiscation Act.
3. THE RESPONDENT(S) to this application is/are—
  - \* the person in respect of whose property the Order is sought
  - \* a person who the Applicant has reason to believe has an interest in the property
  - \* a person to whom the Court has required that notice be given.
4. THE GROUNDS on which this application will be made are as follows—  
*[set out in detail the grounds of the application]*.

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-10F

- 
5. IF the Respondent has already been convicted of the offence described above, A TIME LIMIT APPLIES under section 32(2) of the Confiscation Act and this application will be made—
- \* before the end of the relevant period (as defined by the Confiscation Act) in relation to the conviction
  - \* after the end of the relevant period (as so defined), but **the Applicant will seek the leave of the Court** to make this application out of time.
6. HAS ANY PREVIOUS APPLICATION been made under section 32(1) of the Confiscation Act in relation to the same conviction?
- \* No such application has been made
  - \* Such an application was made on [date] but that application has not been finally determined
  - \* Such an application was made on [date] and has been finally determined, but **the Applicant will seek the leave of the Court** to make this further application.

**\*THE APPLICANT WILL RELY** upon the affidavit(s) made by [name of deponent(s)] filed in support of this application and to be served herewith.

Date:

[Signed by Applicant]

**PARTICULARS OF HEARING**

THIS APPLICATION will be heard before the Judge in the Practice Court at the [number] Court, 250 William Street, Melbourne on [date] at [time].

[Signed by Registrar]

**NOTES FOR THE PERSON(S) ON WHOM THIS NOTICE IS SERVED**

You are entitled to appear and to give evidence at the hearing of the application, but your absence on that occasion will not prevent the Court from making an order.

If you propose to contest this application, you are required to give the Applicant notice of the grounds on which the application is to be contested. The Rules of the County Court also provide that evidence may be given by affidavit. You must serve on the Applicant any affidavit(s) on which you intend to reply.

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\* Delete if not applicable

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Rule 10.08(1)(f)

**FORM 2-10FA**

*[heading as in Form 2-10D]*

**NOTICE OF APPLICATION TO BE MADE UNDER SECTION 37  
FOR CIVIL FORFEITURE ORDER**

**TO:** *[name and address of the person(s) on whom this application is to be served]*

("the Respondent(s)")

**TAKE NOTICE THAT** *[name of the person making the application]*

("the Applicant")

**INTENDS TO APPLY** under section 37(1) of the **Confiscation Act 1997** ("the Confiscation Act") **FOR A CIVIL FORFEITURE ORDER** with respect to the following property: *[describe in detail the property in respect of which the forfeiture order is sought]*

**THE ADDRESS FOR SERVICE** of the Applicant is: *[insert address]*

**PARTICULARS OF APPLICATION**

1. THE JURISDICTION to make the order(s) sought arises because XY has been charged with the offence of *[describe the offence]* which is a Schedule 2 offence within the meaning of the Confiscation Act and a Restraining Order under section 18(2) was made by the *[name]* Court on *[date]*.
2. THE APPLICANT is—
  - \* the Director of Public Prosecutions
  - \* a prescribed person within the meaning of section 37
  - \* a person belonging to a prescribed class of persons, namely:  
*[identify class]*
3. THE RESPONDENT(S) to this application is/are—
  - \* the person who has been charged with a Schedule 2 offence
  - \* the person in respect of whose property the Order is sought
  - \* a person who the Applicant has reason to believe has an interest in the property

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-10FA

- 
- \* the applicant for the Restraining Order which is in force
  - \* a person to whom the Court has required that notice be given.
4. THE GROUNDS on which this application will be made are as follows—
- [set out in detail the grounds of the application]*
5. HAS ANY PREVIOUS APPLICATION been made under section 37(1) of the Confiscation Act in relation to the same Schedule 2 offence?
- \* No such application has been made
  - \* Such an application was made on *[date]* but that application has not been finally determined
  - \* Such an application was made on *[date]* and has been finally determined, but the Applicant will seek the leave of the Court to make this further application.

**\*THE APPLICANT WILL RELY** upon the affidavit(s) made by *[name of deponent(s)]* filed in support of this application and to be served herewith.

Date:

*[Signed by Applicant]*

**PARTICULARS OF HEARING**

This application will be heard—

by \*the trial Judge/\*the Judge in the Practice Court  
at the *[number]* Court, 250 William Street, Melbourne, on  
*[date]* at *[time of day or occasion]*.

*[Signed by Registrar]*

**NOTES FOR THE PERSON(S) ON WHOM THIS NOTICE IS  
SERVED**

You are entitled to appear and to give evidence at the hearing of the application, but your absence on that occasion will not prevent the Court from making an order.

If you propose to contest this application, you are required to give the Applicant notice of the grounds on which the application is to be contested. The Rules of the County Court also provide that evidence may be given by affidavit. You must serve on the Applicant any affidavit(s) on which you intend to rely.

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\* Delete if not applicable.

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Rule 10.08(1)(e)

**FORM 2-10G**

[heading as in Form 2-10D]

**NOTICE OF APPLICATION TO BE MADE UNDER SECTION 45  
FOR RELIEF FROM HARDSHIP**

**TO:** [name and address of the person(s) on whom this application is to be served]

("the Respondent(s)")

**TAKE NOTICE THAT** [name and address of the person making the application]

("the Applicant")

**INTENDS TO APPLY** under section 45 of the **Confiscation Act 1997** ("the Confiscation Act") **FOR THE FOLLOWING ORDERS—**

- (a) an order that an amount of [specify sum] be paid to [name of payee] out of the property forfeited in order to prevent hardship to [name of person for whose benefit this application is being made].
- (b) (if the person to benefit is under 18 years of age) such ancillary orders as will ensure that the amount so paid is properly applied.

**THE ADDRESS FOR SERVICE** of the Applicant is: [insert address].

**PARTICULARS OF APPLICATION**

1. THE JURISDICTION to make the order(s) sought arises because—
  - \* property has been forfeited under a forfeiture order made in respect of XY on [date] on the application of [name]
  - \* application has been made by [name] for a forfeiture order in respect of XY.
2. THE APPLICANT \*is/\*is not a person under the age of 18 years.
3. THE RESPONDENT to this application \*was/\*is the applicant for the forfeiture order \*made/\*sought in respect of XY.

Form 2-10G

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4. THE GROUNDS on which this application will be made are as follows—  
*[set out in detail the grounds of the application, including the facts relied upon to establish that the payment sought is reasonably necessary to prevent hardship to the person for whose benefit the application is made].*

**\*THE APPLICANT WILL RELY UPON** the affidavit(s) made by *[name of deponent(s)]* filed in support of this application and be served herewith.

Date:

*[Signed by Applicant]*

**PARTICULARS OF HEARING**

THIS APPLICATION will be heard before the Judge in the Practice Court at the *[number]* Court, 250 William Street, Melbourne on *[date]* at *[time]*.

*[Signed by Registrar]*

**NOTES FOR THE PERSON(S) ON WHOM THIS NOTICE IS SERVED**

You are entitled to appear and to give evidence at the hearing of the application, but your absence on that occasion will not prevent the Court from making an order.

If you propose to contest this application, you are required to give the Applicant notice of the grounds on which the application is to be contested. The Rules of the County Court also provide that evidence may be given by affidavit. You must serve on the Applicant any affidavit(s) on which you intend to rely.

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\* Delete if not applicable

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Rule 10.08(1)(f)

**FORM 2-10H**

*[heading as in Form 2-10D]*

**NOTICE OF APPLICATION TO BE MADE UNDER PART 6 OF THE  
CONFISCATION ACT FOR EXCLUSION ORDER**

**TO:** *[name and address of the person(s) on whom this application is to be served]*

("the Respondent(s)")

**TAKE NOTICE THAT** *[name and address of the person making the application]*

("the Applicant")

**INTENDS TO APPLY** under section \*49/\*51/\*53 of the **Confiscation Act 1997** ("the Confiscation Act") **FOR THE EXCLUSION FROM FORFEITURE** of the following property: *[describe in detail the property which it is sought to have excluded from forfeiture]*.

**THE ADDRESS FOR SERVICE** of the Applicant is: *[insert address]*.

**PARTICULARS OF APPLICATION**

1. THE JURISDICTION to make the order(s) sought arises because certain property—
  - \* has been forfeited, or is sought to be forfeited, under a forfeiture order
  - \* has been forfeited under section 35 of the Confiscation Act.
2. THE APPLICANT is—
  - \*(a) in the case of an application under section 49 or 51, a person (other than the defendant) who claims an interest in the property or claims to have had an interest in the property immediately before it was forfeited;
  - \*(b) in the case of an application under section 53, a person (other than a person who is suspected to have committed the Schedule 2 offence in relation to which a restraining order was made against the property) who claims an interest in the property or claims to have had an interest in the property immediately before it was forfeited.

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-10H

- 
3. THE RESPONDENT(S) to this application is/are—
- \* the applicant for the forfeiture order
  - \* the Director of Public Prosecutions
  - \* a person who the Applicant has reason to believe has an interest in the property or had an interest in the property immediately before it was forfeited.
4. THE GROUNDS on which this application will be made are as follows—  
[set out in detail the grounds of the application].
5. IF a forfeiture order has already been made or property has been forfeited under section 35, **A TIME LIMIT APPLIES** under section 49(2) or 51(2) of the Confiscation Act and this application will be made—
- \* within the period of 60 days after the day on which the forfeiture order was made or the property was forfeited (as the case may be)
  - \* after the end of that period of 60 days, but **the Applicant will seek the leave of the Court** to make this application out of time.

**THE APPLICANT WILL RELY** upon the affidavit(s) made by [name of deponent(s)] filed in support of this application and to be served herewith.

Date:

[Signed by Applicant]

**PARTICULARS OF HEARING**

THIS APPLICATION will be heard before the \*trial Judge/\*Judge in the Practice Court at the [number] Court, 250 William Street, Melbourne on [date] at [time].

[Signed by Registrar]

**NOTES FOR THE PERSON(S) ON WHOM THIS NOTICE IS  
SERVED**

You are entitled to appear and to give evidence at the hearing of the application, but your absence on that occasion will not prevent the Court from making an order.

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

**Form 2-10H**

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If you propose to contest this application, you are required to give the Applicant notice of the grounds on which the application is to be contested. The Rules of the County Court also provide that evidence may be given by affidavit. You must serve on the Applicant any affidavit(s) on which you intend to rely.

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\* Delete if not applicable

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Rule 10.08(1)(g)

**FORM 2-10J**

[*heading as in Form 2-10D*]

**NOTICE OF APPLICATION TO BE MADE UNDER SECTION 58  
FOR PECUNIARY PENALTY ORDER**

**TO:** [*full name and address of XY*]

("the Respondent")

**TAKE NOTICE THAT** [*name of the person making the application*]

("the Applicant")

**INTENDS TO APPLY FOR A PECUNIARY PENALTY ORDER** under section 58 of the **Confiscation Act 1997** ("the Confiscation Act").

**THE ADDRESS FOR SERVICE** of the Applicant is: [*insert address*].

**PARTICULARS OF APPLICATION**

1. THE JURISDICTION to make the order(s) sought arises because (or when) XY has been convicted in the County Court of Victoria at [*place*] of the offence of [*describe the offence*] which, within the meaning of the **Confiscation Act 1997** ("the Confiscation Act"), is—
    - \* a Schedule 2 offence
    - \* a Schedule 1 offence other than a Schedule 2 offence.
  2. THE APPLICANT is the Director of Public Prosecutions.
  3. THE RESPONDENT to this application is the person who has been convicted of (or if not yet convicted, has been charged with) the offence described above.
  4. THE GROUNDS on which this application will be made are as follows—  
[*set out in detail the grounds of the application*].
  5. IF the Respondent has already been convicted of the offence described above, **A TIME LIMIT APPLIES** under section 58(3) of the Confiscation Act and this application will be made—
    - \* before the end of the relevant period (as defined by the Confiscation Act) in relation to the conviction
    - \* after the end of the relevant period (as so defined), but **the Applicant will seek the leave of the Court** to make this application out of time.
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6. HAS ANY PREVIOUS APPLICATION been made under section 58 of the Confiscation Act in relation to the same conviction?

- \* No such application has been made
- \* Such an application was made on [date] but that application has not been finally determined
- \* Such an application was made on [date] and has been finally determined, but **the Applicant will seek the leave of the Court** to make this further application.

\*7. THE APPLICANT will seek to have section 68 of the Confiscation Act applied in the assessment of the value of the benefits derived.

**\*THE APPLICANT WILL RELY** upon the affidavit(s) made by [name of deponent(s)] filed in support of this application and to be served herewith.

Date:

[Signed by Applicant]

#### PARTICULARS OF HEARING

THIS APPLICATION will be heard before \*the trial Judge/\*the Judge in the Practice Court at the [number] Court, 250 William Street, Melbourne on [date] at [time].

[Signed by Registrar]

#### NOTES FOR THE PERSON(S) ON WHOM THIS NOTICE IS SERVED

You are entitled to appear and to give evidence at the hearing of the application, but your absence on that occasion will not prevent the Court from making an order.

If you propose to contest this application, you are required to give the Applicant notice of the grounds on which the application is to be contested. The Rules of the County Court also provide that evidence may be given by affidavit. You must serve on the Applicant any affidavit(s) on which you intend to rely.

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\* Delete if not applicable

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Form 2-10K

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Rule 10.08(1)(h)

**FORM 2-10K**

*[heading as in Form 2-10D]*

**NOTICE OF APPLICATION MADE UNDER SECTION 98 FOR  
EXAMINATION ORDER**

**TO:** *[name and address of person(s) to whom notice is to be given]*

**TAKE NOTICE THAT APPLICATION HAS BEEN MADE** to the County Court of Victoria under section 98 of the **Confiscation Act 1997** ("the Confiscation Act") for an **EXAMINATION** of the persons listed in Part 3 of the application in respect of the nature and location of any property in which the said XY has or may have an interest or any property which the applicant for the order believes, on reasonable grounds, to be tainted property within the meaning of the Confiscation Act.

**A COPY OF THE APPLICATION IS ATTACHED**

Date:

*[signed by Applicant]*

THIS APPLICATION will be heard before the Judge in the Practice Court at the *[number]* Court, 250 William Street, Melbourne on *[date]* at *[time]*.

*[signed by Registrar]*

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Rule 10.08(2)

**FORM 2-10L**

*[heading as in Form 2-10D]*

**NOTICE OF APPLICATION TO BE MADE UNDER SECTION  
[INSERT NUMBER] OF THE CONFISCATION ACT 1997**

**TO:** *[name and address of the person(s) on whom this application is to be served]*

("the Respondent(s)")

**TAKE NOTICE THAT** *[name of the person making the application]*

("the Applicant")

**INTENDS TO APPLY** under section *[number]* of the **Confiscation Act 1997** ("the Confiscation Act") **FOR THE FOLLOWING ORDER(S)—**

*[set out in detail the order(s) sought]*

**THE ADDRESS FOR SERVICE** of the Applicant is: *[insert address]*.

**PARTICULARS OF APPLICATION**

1. THE JURISDICTION to make the order(s) sought arises because *[set out circumstances giving rise to the jurisdiction, e.g. XY was convicted on [date] in the [name] Court of the offence of [describe] which is a Schedule 2 offence within the meaning of the Confiscation Act OR XY will be charged within 48 hours with an offence which is a Schedule 2 offence OR in respect of a Schedule 2 offence, a member of the police force suspects on reasonable grounds that the property of XY is tainted property in relation to that offence OR the County Court of Victoria made a Restraining Order on [date] in relation to the property of XY OR application has been made to the County Court of Victoria for a Restraining Order in relation to the property of XY, OR as the case requires]*
2. THE APPLICANT is *[describe the standing of the Applicant to make the application, e.g. the Director of Public Prosecutions OR a person who has an interest in the property which is subject to a Restraining Order made on [date] OR a person who is caused hardship by the forfeiture of property under an order made on [date] in respect of the property of XY, OR as the case requires]*.
3. \*THE APPLICATION IS IN RESPECT OF the following property—  
*[describe the property in detail]*.

Form 2-10L

4. THE RESPONDENT(S) to this application is/are—  
*[describe the standing of the person(s) to whom notice is given, e.g. the person who obtained the Restraining Order (or the Forfeiture Order, as the case may be) in respect of XY OR a person who the Applicant has reason to believe has an interest in the property or the Director of Public Prosecutions, OR as the case requires].*
5. THE GROUNDS on which this application will be made are as follows—  
*[set out in detail the grounds of the application].*
6. A TIME LIMIT \*does/\*does not apply in respect of this application. *[If a time limit does apply, state what that time limit is and whether it has been observed and, if not, state **whether leave is sought** to make the application out of time and on what grounds].*
- \*THE APPLICANT WILL RELY** upon the affidavit(s) made by *[name of deponent(s)]* filed in support of this application and to be served herewith.

Date:

*[Signed by Applicant]*

#### **PARTICULARS OF HEARING**

THIS APPLICATION will be heard before \*the trial Judge/\*the Judge in the Practice Court at the *[number]* Court, 250 William Street, Melbourne on *[date]* at *[time]*.

*[Signed by Registrar]*

#### **NOTES FOR THE PERSON(S) ON WHOM THIS NOTICE IS SERVED**

You are entitled to appear and to give evidence at the hearing of the application, but your absence on that occasion will not prevent the Court from making an order.

If you propose to contest this application, you are required to give the Applicant notice of the grounds on which the application is to be contested.

The Rules of the County Court also provide that evidence may be given by affidavit. You must serve on the application any affidavit(s) on which you intend to rely.

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\* Delete if not applicable

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Rule 10.12(2)

**FORM 2-10M**

[*heading as in Form 2-10D*]

**IMPORTANT NOTE**

TO: [*name and address of person being served with copy of Restraining Order*]

Enclosed is a copy of a Restraining Order made by the County Court of Victoria on [*date*] in relation to the property of XY.

The Order was made under Part 2 of the **Confiscation Act 1997** of the State of Victoria. It was made for the purpose of satisfying automatic forfeiture of property that may occur under Division 2 of Part 3 of that Act.

Accordingly, the restrained property is forfeited to the State on the expiry of 60 days after the making of this restraining order or (if later) the conviction of XY of the Schedule 2 offence in reliance upon which, or by reference to the charging or proposed charging of which, this Restraining Order was made UNLESS WITHIN THAT PERIOD OF 60 DAYS an application has been made for an exclusion order under section 22 of the **Confiscation Act 1997**.

The circumstances in which the Court may make an exclusion order, excluding property from the operation of the Restraining Order, are set out in section 22. If you wish to make such an application, you should act promptly.

Date:

[*Signed*]

**[Whenever a Restraining Order is made by the Court under Part 2 of the Confiscation Act 1997 for the purpose of automatic forfeiture, the above IMPORTANT NOTE, or a note to like effect, is to accompany a copy of the Court's order when it is being served.]**

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Form 2-10N

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Rule 10.13(1)

**FORM 2-10N**

IN THE COUNTY COURT OF VICTORIA Proceeding No.

IN THE MATTER OF THE **Confiscation Act 1997**

and

IN THE MATTER of an offender or alleged offender, XY [*name in full*]

**NOTICE OF DISCHARGE OF FORFEITURE**

**TO:** [*name and address of person(s) to whom this notice is to be given*]

**TAKE NOTICE** that—

- \* a forfeiture order which was made by the County Court of Victoria on [*date*] under Division 1 of Part 3 of the **Confiscation Act 1997** has been discharged under section 46 of the Act
- \* the automatic forfeiture of property under Division 2 of Part 3 of the **Confiscation Act 1997** has been discharged under section 47 of the Act

otherwise than by payment in accordance with section 56 or 57 of the Act.

**THIS NOTICE** is given by—

- \* in the case of a forfeiture order, the person on whose application the order was made
- \* in the case of automatic forfeiture, the Director of Public Prosecutions.

**THIS NOTICE** is given to you as—

- \* a person who the person giving this notice has reason to believe may have had an interest in the property immediately before it was forfeited
- \* a person to whom, or as one within a class of persons to whom, the [*name*] Court has required that notice be given.

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-10N

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**If you claim an interest in the property which was forfeited, you may make an application to the Minister under section 55 of the Act for the return of the property or its value.**

Date:

[Signed]

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\* Delete if not applicable.

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Form 2-100

Rule 10.05(3)

**FORM 2-100**

IN THE COUNTY COURT OF VICTORIA

IN THE MATTER of the Proceeds of Crime Act 2002 of the Commonwealth

and

IN THE MATTER of an Application by AB [*name in full*] Applicant

**APPLICATION UNDER SECTION** [*insert relevant section and relevant Act*] **FOR MONITORING ORDER**

**TO:** the Registrar of the County Court of Victoria

**TAKE NOTICE THAT** [*name of the person making the application*]  
("the Applicant")

**MAKES APPLICATION** under section 219 of the Proceeds of Crime Act 2002 of the Commonwealth ("the Commonwealth Act") **FOR A MONITORING ORDER** directing a financial institution to give to [*insert details of enforcement agency*] information in respect of transactions conducted during a particular period through an account held by [*specify details of account*].

**THE ADDRESS FOR SERVICE** of the Applicant is: [*insert address*]

**PARTICULARS OF APPLICATION**

1. THE JURISDICTION to make the order(s) sought arises because—  
[*specify details which support the making of the application*]
  2. THE APPLICANT is an authorised officer of an enforcement agency within the meaning of the Commonwealth Act.
  3. THE APPLICATION IS IN RESPECT OF the following account—  
[*insert relevant details*]
  4. THE GROUNDS on which this application is made are as follows—  
[*set out in detail the grounds of the application*]
- \* **THE APPLICANT RELIES** upon the affidavit(s) made by [*name of deponent(s)*] filed in support of this application.

Date:

[*Signed by Applicant*]

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**PARTICULARS OF HEARING**

This application will be heard—

by \*the Judge in the Practice Court/\*the trial Judge in the [number]  
Court at 250 William Street, Melbourne, on [date] \*at [time]/\*after  
sentence.

[Signed by Registrar]

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\* Delete if not applicable

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Form 2-10P

Rule 10.10(2)

**FORM 2-10P**

[heading as Form 2-10D]

**NOTICE OF OPPOSITION TO APPLICATION**

**TO:** [full name and address of applicant]

**TAKE NOTICE THAT** [full name of the person intending to oppose the application] INTENDS TO OPPOSE the application in this proceeding.

**THE GROUNDS** on which this application will be opposed are as follows—

[set out in detail the grounds of the opposition to the application]

- 1.
- 2.
- 3.

**THE ADDRESS FOR SERVICE** of the person intending to oppose the application is [insert address]

[If the person is legally represented] The name or firm and the business address within Victoria of the solicitor for [full name of person] is:

Date:

[signed]

Forms 2-11A–  
2-11AB  
revoked by  
S.R. No.  
183/2009  
rule 1.14  
(Sch. 1  
item 11(2)).

\* \* \* \* \*





Rule 16.02(1)(a)

**FORM 2-16A**

**NOTICE OF APPLICATION BY A CHILD'S PARENT FOR  
APPROVAL OF A PROPOSED CHANGE OF NAME OF A CHILD**

(Section 26(4) of the **Births, Deaths and Marriages Registration Act 1996**)

IN THE COUNTY COURT  
AT

A.B. Applicant

and

C.D. Respondent

**PART 1—PARTICULARS OF APPLICATION**

To the Respondent—

1. TAKE NOTICE that the applicant, a parent of [*set out full name[s] of child/children whose name[s] is/are sought to be changed*] intends to apply to the Court for approval for the name[s] of—

[*insert name[s] of child/children*]

to be changed to—

[*insert proposed name[s] for child/children*].

2. The Respondent is the other parent of the child/children referred to in paragraph 1.

[*If approval is sought for changing the name of more than one child and the Respondent is not the other parent of that child, a separate application must be made*]

Date

[*Signature*]

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-16A

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PART 2—PARTICULARS OF HEARING

*(to be completed by the Registrar)*

The application will be heard before the Judge/Associate Judge in the Court, County Court, William Street, Melbourne, on [*e.g. 20 June, 20* ] at a.m. [*or p.m.*] or so soon afterwards as the business of the Court allows.

FILED [*e.g. 15 June, 20* ].

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Rule 16.02(1)(b)

**FORM 2-16B**

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR APPROVAL OF  
A PROPOSED CHANGE OF NAME OF A CHILD**

*[heading as in application]*

1. I, *[name of applicant]*, c/o the Registrar, County Court at *[or insert address of applicant]*, *[occupation]*, am a parent of *[insert full name[s] of child/children whose name[s] \*is/\*are sought to be changed]*.
2. The date of birth of *[name of child]* is—  
*[Insert extra name[s] and dates[s] of birth if application is for more than one child and the Respondent is the other parent of the other child/children]*
3. The other parent of the \*child/\*children is the Respondent in these proceedings whose full name and address is—  
*[Insert details]*
- \*4. That I was married to the Respondent at \_\_\_\_\_ on *[insert date]*.  
*or*
- \*4. That I had a de facto relationship with the Respondent from *[insert date]*.
5. That I last resided with the Respondent on *[insert date]*.
6. *[If applicable]* That I was divorced from the Respondent in the Family Court of Australia at \_\_\_\_\_ on *[insert date]*.
7. I \*have made/\*can make the following attempts to contact the Respondent about this application—  
*[Insert details]*
8. The Respondent last \*had/\*sought personal contact with the \*child/\*children on—  
*[Insert details]*
9. The Respondent last contributed to the financial support of the \*child/\*children on *[insert date]*.

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

Form 2-16B

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\*10. The following order was made by the \_\_\_\_\_ Court at \_\_\_\_\_ on  
[insert date] with respect to the \*residence of and parental contact with/  
\*custody of and access to the \*child/\*children—

*or*

\*10. No Court orders have been made with respect to the residence of and  
\*parental contact with/\*custody of and access to the \*child/\*children.

11. I believe that it is in the best interests of the \*child/\*children that the  
name[s] of the \*child/\*children be changed for the following reasons—

[Set out reasons]

\*delete if inapplicable

Sworn etc.

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Rule 16.03

**FORM 2-16C**

**ORDER APPROVING A PROPOSED CHANGE OF NAME FOR  
A CHILD**

JUDGE [*or* ASSOCIATE JUDGE]:

DATE MADE:

HOW OBTAINED:

Application dated \_\_\_\_\_, 20\_\_\_\_ supported by affidavit sworn \_\_\_\_\_ 20\_\_\_\_.

ORDER:

The Court being satisfied that the proposed change of name is in the child's best interests APPROVES of the proposal of the applicant that the name of [*full name of child*] who was born on [*insert date*] be changed to [*insert proposed name*].

[*If order is for approval for changing the names of more than one child, a separate order is required for each child*].

Form 2-16D

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Rule 16.04

**FORM 2-16D**

**NOTICE OF APPLICATION**

(Section        of the **Births, Deaths and Marriages Registration Act 1996**)

In the County Court

at

A.B.	Applicant
and	
*C.D.	*Respondent

**PART 1—PARTICULARS OF APPLICATION**

\*To the Respondent—

TAKE NOTICE that the applicant intends to apply to the Court for the following orders under the above Act—

*[set out orders sought]*

**PART 2—PARTICULARS OF HEARING**

*(to be completed by the Registrar)*

The application will be heard before the Judge/Associate Judge in the Court, County Court, William Street, Melbourne, on *[e.g. 20 June, 20 ]* at a.m. *[or p.m.]* or so soon afterwards as the business of the Court allows.

FILED *[e.g. 15 June, 20 ]*.

\* Delete if no respondent.

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**SCHEDULE 1**

**REVOKED STATUTORY RULES**

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<i>S.R. No</i>	<i>Title</i>
78/1999	County Court Miscellaneous Rules 1999
79/1999	County Court (Chapter II Amendment No. 1) Rules 1999
114/1999	County Court (Chapter II Amendment No. 2) Rules 1999
77/2001	County Court (Chapter II Amendment No. 3) Rules 2001
123/2001	County Court (Chapter II Amendment No. 4) Rules 2001
55/2002	County Court (Chapter II Amendment No. 5) Rules 2002
166/2006	County Court (Chapter II Amendment No. 6) Rules 2006

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Dated: 20 May 2009

M. ROZENES, <i>Chief Judge</i>	G. T. CHETTLE
M. G. McINERNEY	S. S. DAVIS
F. J. SHELTON	F. P. HAMPEL
T. M. HOLT	D. A. PARSONS
I. C. ROBERTSON	S. E. PULLEN
G. R. ANDERSON	A. J. HOWARD
L. D. PILGRIM	L. A. HANNAN
P. D. JENKINS	M. D. MURPHY
J. R. BOWMAN	M. E. KENNEDY
J. A. SMALLWOOD	C. M. O'NEILL
M. E. SEXTON	D. L. ALLEN
M. P. BOURKE	P. G. MISSO
J. A. CAMPTON	P. M. E. WISCHUSEN
R. F. PUNSHON	P. G. LACAVA

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

**Sch. 1**

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C. A. THORNTON

G. P. MULLALY

F. SACCARDO

L. C. ROSS

H. MASON

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## ENDNOTES

### 1. General Information

The County Court Miscellaneous Rules 2009, S.R. No. 56/2009 were made on 20 May 2009 by a majority of the Judges of the County Court under section 78 of the **County Court Act 1958**, No. 6230/1958 and came into operation on 20 June 2009: rule 1.04.

The County Court Miscellaneous Rules 2009 will sunset 10 years after the day of making on 20 May 2019 (see section 5 of the **Subordinate Legislation Act 1994**).

County Court Miscellaneous Rules 2009  
S.R. No. 56/2009

**Endnotes**

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**2. Table of Amendments**

This Version incorporates amendments made to the County Court Miscellaneous Rules 2009 by statutory rules, subordinate instruments and Acts.

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County Court Criminal Procedure Rules 2009, S.R. No. 183/2009

*Date of Making:* 17.12.09

*Date of Commencement:* Rule 1.14(Sch. 1) on 1.1.10: rule 1.04

County Court (Evidence Amendments) Rules 2009, S.R. No. 185/2009<sup>2</sup>

*Date of Making:* 17.12.09

*Date of Commencement:* Rules 9, 10 on 1.1.10: rule 3

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### 3. Explanatory Details

<sup>1</sup> Rule 1.06 def. of *Chapter I*: S.R. No. 148/2008.

<sup>2</sup> The amendments proposed by rule 10 of the County Court (Evidence Amendments) Rules 2009, S.R. No. 185/2009 are not included in this publication as Forms 2–11AA and 2–11AB were revoked by an earlier amendment.

Rule 10 reads as follows:

#### 10 Forms

In the County Court Miscellaneous Rules 2009—

- (a) in Form 2–11AA, after "**EVIDENCE**" insert "**(MISCELLANEOUS PROVISIONS)**";
- (b) in Form 2–11AB, after "**EVIDENCE**" insert "**(MISCELLANEOUS PROVISIONS)**".