



PRACTICE NOTE SC CL 10

Supreme Court Common Law Division – Proceeds of Crime and Criminal Assets

Commencement

1. This Practice Note was issued on 17 December 2021 and commences 17 December 2021.

Application

2. This Practice Note applies to any application, by consent or otherwise, for variation or discharge of orders concerning the proceeds of crime or criminal assets.

Definitions

3. In this Practice Note:

CA means *Customs Act 1901* (Cth)

CARA means *Criminal Assets Recovery Act 1990*

CPCA means *Confiscation of Proceeds of Crimes Act 1989*

PCA means *Proceeds of Crime Act 1987* (Cth)

POCA means *Proceeds of Crime Act 2002* (Cth)

Proceeds of Crime or Criminal Assets mean any proceeds, assets or benefits regulated under any laws referred to in this Practice Note, and shall have the definition given in the respective law.

Introduction

4. The purpose of this Practice Note is:

To provide arrangements for seeking orders to vary or discharge orders relating to the proceeds of crime or criminal assets.

Process

5. Any order, by consent or otherwise, that varies or discharges an order concerning the proceeds of crime or criminal assets, whether under the CA, CARA, CPCA, PCA or POCA shall only be made by a Judge of this Court.

6. Applications for such orders should generally be made to the Common Law Duty Judge.

T F Bathurst AC

Chief Justice of NSW

17 December 2021

Related information[*Customs Act 1901 \(Cth\)*](#)[*Criminal Assets Recovery Act 1990*](#)[*Confiscation of Proceeds of Crimes Act 1989*](#)[*Proceeds of Crime Act 1987 \(Cth\)*](#)[*Proceeds of Crime Act 2002 \(Cth\)*](#)**Amendment history**

17 December 2021: This Practice Note replaces the former Practice Note SC CL 10, which was issued on 28 October 2011 and commenced on 28 October 2011.

28 October 2011: Practice Note SC CL 10 was issued and commenced on this date.