



Telephone: (02)9230 8341
Facsimile: (02)9223 1906
DX 613 SYDNEY

**FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY**

Your Ref:
Our Ref:

LEVEL 16
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

23 December 2009

Dear Subscriber

New versions of *Practice Note CM 9 – Freezing Orders* and *Practice Note CM 11 – Search Orders*

The Chief Justice has issued new versions of:

- *Practice Note CM 9 – Freezing Orders*
- *Practice Note CM 11 – Search Orders.*

The practice notes will commence on 1 January 2010.

The new practice notes adopt changes recommended by the Council of Chief Justices' Harmonised Search Orders and Freezing Orders Committee. These changes are consequential upon the introduction of s128A of the *Evidence Act 1995* (Cth), *Evidence Act 1995* (NSW) and the *Evidence Act 2008* (Vic). Section 128A provides that the privilege against self-incrimination under s128 of the Act applies to disclosure orders in civil proceedings in connection with a freezing or search order. In particular, changes have been made to:

- paragraph 14 of Practice Note CM 9 and paragraph 9 of the example form of Freezing Order attached to it; and
- paragraph 22 of Practice Note CM 11 and paragraphs 21 and 24 of the example form of Search Order attached to it.

A copy of each Practice Note is enclosed. Each Practice Note will also be available from the Federal Court's web site at <http://www.fedcourt.gov.au/>.

Please note that this notification replaces the letter that would have otherwise been sent to you or the President of your association (if relevant).

If you have any queries please contact me on (02) 9230 8336.

Yours faithfully

Philip Kellow
Deputy Registrar
(sent by email)