

COMMONWEALTH OF AUSTRALIA
PROCEEDS OF CRIME ACT 2002: Section 202
PRODUCTION ORDER

TO: Seven West Media Limited (Seven Network)

WHEREAS I am satisfied by information on oath provided to me by an authorised officer of an enforcement agency within the meaning of the Proceeds of Crime Act 2002 that there are reasonable grounds for suspecting that you have possession or control of property tracking documents within the meaning of that Act:

You are hereby required to deliver the property tracking documents specified in the Schedule below to Jeffrey Kokles who is an authorised officer within the meaning of the Proceeds of Crime Act 2002, at Australian Federal Police Headquarters, 110 Goulburn Street, Sydney, New South Wales on, or before, 4pm on Friday the 14th February 2014.

Information about this production order must not be disclosed.

Note that it is an offence against section 210 of the Proceeds of Crime Act 2002 for a person who is given a production order which specifies that information about the production order must not be disclosed to disclose the existence or nature of the order to another person, or to disclose information to another person from which that person could infer the existence or nature of the order, except in circumstances specified in section 210(3).

The maximum penalty is imprisonment for two years or 120 penalty units or both.

SCHEDULE**Seven West Media Limited (Seven Network):**

- Electronic and written records relating to payment arrangements and/or instructions from Seven West Media Limited and/or its associated companies for the publication of Schapelle Leigh CORBY'S born 10/07/1977 (CORBY) story.
- Electronic and written transfers relating to the transfer of funds for payments from Seven West Media Limited and/or its associated companies in relation to the publication of CORBY'S story.
- Electronic and written records in relation to any contractual arrangements entered into in order to secure CORBY'S participation and/or assistance in providing information and/or narrative and/or interviews for CORBY'S story.
- Electronic and hardcopy records of trust account payments from Seven West Media Limited and/or associated companies in relation to CORBY.
- Electronic and hardcopy records of any other benefit from Seven West Media Limited and/or associated companies in relation to CORBY.
- Electronic and hardcopy communications between Seven West Media Limited and/or its associated companies and CORBY in relation to CORBY'S story.
- Electronic and hardcopy communications between Seven West Media Limited and/or its associated companies and any person on behalf of CORBY in relation to CORBY'S story.
- Electronic and hardcopy instructions and/or arrangements relating to CORBY and/or any other person providing direction for any form of payment or benefit derived from the commercial exploitation of her criminal notoriety to a third party.

The following authorised officer is responsible for giving this order to the person named above, unless he or she inserts the name of another authorised officer in the order in

which case that authorised officer will be responsible for giving this order to the person named above: Jeffrey Aaron Kokles.

NOTE:

- It is an offence against section 211(1) of the Proceeds of Crime Act 2002 for a person who is given a production order in relation to a property tracking document to fail to comply with the order unless the person has been notified of sufficient compliance under section 211(2).

The maximum penalty is imprisonment for six months or 30 penalty units or both.

- It is an offence against section 212 of the Proceeds of Crime Act 2002 for a person to destroy, deface or otherwise interfere with a property tracking document if there is a production order in force requiring the document to be produced or made available.

The maximum penalty is imprisonment for six months or 30 penalty units or both.

A copy of Part 3.2 of the Proceeds of Crime Act 2002 is attached. Those provision set out the rights and obligation of a person who is given a production order.

GIVEN under my hand at Sydney
in the State of New South Wales this
11th day of February 2014.



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A Magistrate in and for the State of New South Wales

G. J. GROGAN

Attachment

Extract from Proceeds of Crime Act 2002

Part 3-2—Production orders

202 Making production orders

- (1) A magistrate may make an order (a production order) requiring a person to:
 - (a) produce one or more property-tracking documents to an authorised officer; or
 - (b) make one or more property-tracking documents available to an authorised officer for inspection.
- (2) However:
 - (a) the magistrate must not make a production order unless the magistrate is satisfied by information on oath that the person is reasonably suspected of having possession or control of such documents; and
 - (b) a production order cannot require documents that are not:
 - (i) in the possession or under the control of a body corporate; or
 - (ii) used or intended to be used in the carrying on of a business;to be produced or made available to an authorised officer; and
 - (c) a production order cannot require any accounting records used in the ordinary business of a financial institution (including ledgers, day-books, cash-books and account books) to be produced to an authorised officer.
- (3) The production order can only be made on application by an authorised officer of an enforcement agency.
- (4) The authorised officer need not give notice of the application to any person.
- (5) Each of the following is a property-tracking document:
 - (a) a document relevant to identifying, locating or quantifying property of any person:
 - (i) who has been convicted of, charged with, or whom it is proposed to charge with, an indictable offence; or
 - (ii) whom there are reasonable grounds to suspect of having engaged in conduct constituting a terrorism offence; or
 - (iii) whom there are reasonable grounds to suspect of having, within the last 6 years, engaged in conduct constituting any other serious offence;
 - (b) a document relevant to identifying or locating any document necessary for the transfer of property of such a person;
 - (c) a document relevant to identifying, locating or quantifying:
 - (i) proceeds of an indictable offence, or an instrument of an indictable offence, of which a person has been convicted or with which a person has been charged or is proposed to be charged; or
 - (ii) proceeds of a terrorism offence, or an instrument of a terrorism offence, that a person is reasonably suspected of having committed; or
 - (iii) proceeds of any other serious offence, or an instrument of any other serious offence, that a person is reasonably suspected of having committed within the last 6 years;
 - (d) a document relevant to identifying or locating any document necessary for the transfer of such property;

- (e) a document relevant to identifying, locating or quantifying literary proceeds in relation to an indictable offence or a foreign indictable offence of which a person has been convicted or which a person is reasonably suspected of having committed;
 - (f) a document that would assist in the reading or interpretation of a document referred to in paragraph (a), (b), (c), (d) or (e).
- (6) It is sufficient for the purposes of subparagraph (5)(c)(ii) or (iii) that the document is relevant to identifying, locating or quantifying proceeds of some offence or other of a kind referred to in that subparagraph. It does not need to be relevant to identifying, locating or quantifying proceeds of a particular offence.

203 Contents of production orders

- (1) A production order must:
- (a) specify the nature of the documents required; and
 - (b) specify the place at which the person must produce the documents or make the documents available; and
 - (c) specify the time at which, or the times between which, this must be done; and
 - (d) specify the name of the authorised officer who, unless he or she inserts the name of another authorised officer in the order, is to be responsible for giving the order to the person; and
 - (e) if the order specifies that information about the order must not be disclosed—set out the effect of section 210 (disclosing existence or nature of production orders); and
 - (f) set out the effect of section 211 (failing to comply with an order).
- (2) The time or times specified under paragraph (1)(c) must be at least 14 days from the day on which the order is given. However, the magistrate making the order may specify an earlier time or times if satisfied that it will not cause hardship to the person required to produce documents or make documents available.

204 Powers under production orders

The authorised officer may inspect, take extracts from, or make copies of, a document produced or made available under a production order.

205 Retaining produced documents

- (1) The authorised officer may also retain a document produced under a production order for as long as is necessary for the purposes of this Act.
- (2) The person to whom a production order is given may require the authorised officer to:
- (a) certify in writing a copy of the document retained to be a true copy and give the person the copy; or
 - (b) allow the person to do one or more of the following:
 - (i) inspect the document;
 - (ii) take extracts from the document;
 - (iii) make copies of the document.

206 Privilege against self-incrimination etc. does not apply

- (1) A person is not excused from producing a document or making a document available under a production order on the ground that:
- (a) to do so would tend to incriminate the person or expose the person to a penalty; or

- (b) producing the document or making it available would breach an obligation (whether imposed by an enactment or otherwise) of the person not to disclose the existence or contents of the document; or
 - (c) producing the document or making it available would disclose information that is the subject of legal professional privilege.
- (2) However, in the case of a natural person, the document is not admissible in evidence in a criminal proceeding against the person, except in proceedings under, or arising out of, section 137.1 or 137.2 of the Criminal Code (false or misleading information or documents) in relation to producing the document or making it available.

207 Varying production orders

- (1) A person who is required to produce a document to an authorised officer under a production order may apply to:
- (a) the magistrate who made the order; or
 - (b) if that magistrate is unavailable—any other magistrate;
- to vary the order so that it instead requires the person to make the document available for inspection.
- (2) The magistrate may vary the production order if satisfied that the document is essential to the person's business activities.

208 Jurisdiction of magistrates

A magistrate in a State or a self-governing Territory may issue a production order relating to one or more documents that are located in:

- (a) that State or Territory; or
- (b) another State or self-governing Territory if he or she is satisfied that there are special circumstances that make the issue of the order appropriate; or
- (c) a non-governing Territory.

209 Making false statements in applications

A person is guilty of an offence if:

- (a) the person makes a statement (whether orally, in a document or in any other way); and
- (b) the statement:
 - (i) is false or misleading; or
 - (ii) omits any matter or thing without which the statement is misleading; and
- (c) the statement is made in, or in connection with, an application for a production order.

Maximum penalty: Imprisonment for 12 months or 60 penalty units, or both.

210 Disclosing existence or nature of production orders

- (1) A person is guilty of an offence if:
- (a) the person is given a production order; and
 - (b) the order specifies that information about the order must not be disclosed; and
 - (c) the person discloses the existence or nature of the order to another person.

Maximum penalty: Imprisonment for 2 years or 120 penalty units, or both.

- (2) A person is guilty of an offence if:
- (a) the person is given a production order; and
 - (b) the order specifies that information about the order must not be disclosed; and
 - (c) the person discloses information to another person; and
 - (d) that other person could infer the existence or nature of the order from that information.

Maximum penalty: Imprisonment for 2 years or 120 penalty units, or both.

- (3) Subsections (1) and (2) do not apply if:
- (a) the person discloses the information to an employee, agent or other person in order to obtain a document that is required by the order in order to comply with it, and that other person is directed not to inform the person to whom the document relates about the matter; or
 - (b) the disclosure is made to obtain legal advice or legal representation in relation to the order; or
 - (c) the disclosure is made for the purposes of, or in the course of, legal proceedings.

Note: A defendant bears an evidential burden in relation to the matters in subsection (3): see subsection 13.3(3) of the Criminal Code.

211 Failing to comply with a production order

- (1) A person is guilty of an offence if:
- (a) the person is given a production order in relation to a property-tracking document; and
 - (b) the person fails to comply with the order; and
 - (c) the person has not been notified of sufficient compliance under subsection (2).

Maximum penalty: Imprisonment for 6 months or 30 penalty units, or both.

Note: Sections 137.1 and 137.2 of the Criminal Code also create offences for providing false or misleading information or documents.

- (2) A person is notified of sufficient compliance under this subsection if:
- (a) the person gives an authorised officer a statutory declaration stating that the person does not have possession or control of the document; and
 - (b) the officer notifies the person in writing that the statutory declaration is sufficient compliance with the production order.

212 Destroying etc. a document subject to a production order

A person is guilty of an offence if:

- (a) the person destroys, defaces or otherwise interferes with a property-tracking document; and
- (b) a production order is in force requiring the document to be produced or made available.

Maximum penalty: Imprisonment for 6 months or 30 penalty units, or both.
