

No: 1502/2001
No: 1420/2005

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE

COURT OF APPEAL

BETWEEN

RENATE LISA MOKBEL Appellant

and

DIRECTOR OF PUBLIC PROSECUTIONS (VICTORIA) First Respondent

DIRECTOR OF PUBLIC PROSECUTIONS (COMMONWEALTH) Second Respondent

SUMMARY FOR THE COURT OF APPEAL

Date of Document:			
Filed on behalf of:	Director of Public Prosecutions (Commonwealth)		
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Summary of the Proceedings and Issues below

1. Nature of the Proceedings below

1.1. Applications¹ by the Appellant², under *section 6(4) Crown Proceedings Act*, for orders that 2 forfeiture of bail orders dated 26 April 2006³ ("forfeiture orders"), made under *section 6(1) Crown Proceedings Act*, be varied or rescinded on the grounds that it would be unjust to require the Appellant to pay the \$1million

¹ volume 1 Tab A of the appeal book

²The Appellant was the surety for several bail undertakings entered into by Antonios Mokbel

³ volume 4 Tab F 1= Commonwealth order dated 26/4/2006

surety amount, undertaken by her to be paid, having regard to all the circumstances of the case.

2. Parties to the Proceedings below

2.1. Renate Lisa Mokbel (the Appellant) was the Applicant in the proceeding below

2.2. The Director of Public Prosecutions (Victoria) was the First Respondent

2.3. The Director of Public Prosecutions (Commonwealth) was the Second Respondent

3. Chronology of steps taken in the Proceedings below

3.1. On 16 May 2006, the Appellant filed an application(s) in the Supreme Court of Victoria under section 6(4) Crown Proceedings Act 1958 seeking orders varying or rescinding the forfeiture orders⁴.

3.2. On 26 May 2006, Justice Gillard made orders staying the forfeiture orders pending determination of the Appellant's section 6(4) Crown Proceedings Act 1958 application(s).

3.3. On 31 May 2006, the Appellant made application to Justice Gillard that he disqualify himself from hearing the Appellant's application(s) under section 6(4) Crown Proceedings Act 1958 on the basis of apprehended or perceived bias⁵. Judgment was delivered on 2 June 2006⁶. The Appellant's application was dismissed.

⁴ volume 1 Tab A

⁵ transcript of application - volume 2 Tab C 1-16 (31/5/2006)

⁶ volume 4 Tab E1B

- 3.4. The Appellant's application(s) seeking orders varying or rescinding the forfeiture orders was heard on 1, 2 and 21 August 2006, 13 and 18 September 2006⁷. Judgment was delivered on 14 December 2006⁸. The Appellant's applications were dismissed. The present appeal is in relation to this judgment delivered on 14 December 2006⁹.
- 3.5. On 15 December 2006, the Appellant filed a notice of appeal in relation to the judgment delivered on 14 December 2006. Justice Gillard ordered a stay on execution of the forfeiture orders until 2 February 2007¹⁰.
- 3.6. On 2 February 2007, further applications were made by the Appellant for a stay on execution of the forfeiture orders pending determination of the appeal. These applications were dismissed by Nettle JA and Kellam AJA on 2 February 2007.
- 3.7. On 15 March 2007, the Appellant was taken into custody pursuant to a warrant of imprisonment issued by the Prothonotary - issued in default of payment of the \$1 million surety sum and/or seizure of property in satisfaction of the forfeiture orders.
- 3.8. On 16 March 2007, further stay applications were dismissed by Chernov JA and Eames JA.
- 3.9. On 1 June 2007, further stay applications were dismissed by Eames JA and Neeve JA.

⁷ volumes 2 and 3 - transcript

⁸ volume 4 Tab E1C

⁹ volume 4 Tab G - amended of Notice of Appeal (Note - appeal grounds 2, 3, 4 and 5 have since been abandoned)

¹⁰ the appeal was listed for mention before the Court of Appeal on 2 February 2007