**ORIGINATING APPLICATION - SPENT CONVICTIONS ACT - EXEMPTION ORDER**

[*MAGISTRATES/YOUTH*] **select one** COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

**[*FULL NAME*]**

**Applicant**

**Attorney-General for the State of South Australia**

**First Respondent**

**Commissioner of Police**

**Second Respondent**

**Minister for Human Services**

**Third Respondent only displayed if Exemption Order Application working with or caring for vulnerable people**

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| Applicant |  | | | | |
| **Full Name** | | | | |
| Name of law firm/solicitor  **If any** |  | | |  | |
| **Law Firm** | | | **Responsible Solicitor** | |
| Address for service |  | | | | |
| **Street Address (including unit or level number and name of property if required)** | | | | |
|  |  |  | |  |
| **City/town/suburb** | **State** | **Postcode** | | **Country** |
|  | | | | |
| **Email address** | | | | |
| Phone Details |  | | |  | |
| **Type (eg. Home; work; mobile) – Number** | | | **Another number (optional)** | |

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| First Respondent | Attorney-General for the State of South Australia | | | | |
| Address |  | | | | |
| **Street Address (including unit or level number and name of property if required)** | | | | |
|  |  |  | |  |
| **City/town/suburb** | **State** | **Postcode** | | **Country** |
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| **Email address** | | | | |
| Phone Details |  | | |  | |
| **Type (eg. Home; work; mobile) – Number** | | | **Another number (optional)** | |

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| Second Respondent | Commissioner for Police | | | | |
| Address |  | | | | |
| **Street Address (including unit or level number and name of property if required)** | | | | |
|  |  |  | |  |
| **City/town/suburb** | **State** | **Postcode** | | **Country** |
|  | | | | |
| **Email address** | | | | |
| Phone Details |  | | |  | |
| **Type (eg. Home; work; mobile) – Number** | | | **Another number (optional)** | |

**Next box only displayed if applicable**

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| Third Respondent | Minister for Human Services | | | | |
| Address |  | | | | |
| **Street Address (including unit or level number and name of property if required)** | | | | |
|  |  |  | |  |
| **City/town/suburb** | **State** | **Postcode** | | **Country** |
|  | | | | |
| **Email address** | | | | |
| Phone Details |  | | |  | |
| **Type (eg. Home; work; mobile) – Number** | | | **Another number (optional)** | |

**Provision for multiple as applicable**

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| Interested Party |  | | | | |
| **Full Name** | | | | |
| Address |  | | | | |
| **Street Address (including unit or level number and name of property if required)** | | | | |
|  |  |  | |  |
| **City/town/suburb** | **State** | **Postcode** | | **Country** |
|  | | | | |
| **Email address** | | | | |
| Phone Details |  | | |  | |
| **Type (eg. Home; work; mobile) – Number** | | | **Another number (optional)** | |

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| **Application Details**  Matter type:  This Application is for   * 1. **provision for multiple** the following conviction[*s*] or finding[*s*] of guilt to be exempted for the purposes of the screening[*s*] indicated below: * [*name* *of the offence*] under section [*number*] of the [*Act/Regulation/Other*] as recorded by [*Court where the conviction recorded or finding of guilt was made*] on [*date*], that became spent on [*date*]; **this date is the date the finding of guilt was made if the conviction was immediately spent pursuant to section 4(1a) of the *Spent Convictions Act 2009*** * for which the Court imposed [*details of penalty*]; * for the purposes of: * working with, or caring for, vulnerable people. * activities associated with a character test.   [*details of* *any further information the Applicant would like to submit in support of the application (circumstances and seriousness of offence, the circumstances of the Applicant, etc*] **The decision to make an order under section 13A of the *Spent Convictions Act 2009* is at the discretion of the qualified Magistrate. The matters that a qualified Magistrate must have regard to when deciding whether to make an order are set out in section 13A(6) of the *Spent Convictions Act 2009*. Please include in your Application any matters under section 13A(6) that may be relevant to your Application.**  Has an Application been made to exempt [*any of*] the above conviction[*s*] or findings of guilt in the past two years?   * Yes * No   **following item displayed if ‘yes’**  The Application was to exempt : **provision for multiple**   * [*name* *of the offence*] under section [*number*] of the [*Act/Regulation/other*] as recorded by [*Court where the conviction recorded or finding of guilt was made*] on [*date*]. * The Application was made on [*date*]. * The Application was refused on [*date*]. * [*any further information the Applicant considers relevant*]   This Application is made under section 13A of the *Spent Convictions Act 2009.*  The Applicant seeks orders that:  **Orders sought in separately numbered paragraphs.**   * 1. The conviction[*s*] set out in paragraph 1 be exempted from the screening for the purposes of [*working with, or caring for, vulnerable people*/[*and*]/*activities associated with a character test*].   This Application is made on the grounds set out in the accompanying Affidavit sworn by [*name*] on [*date*]. |

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| **Accompanying Documents**  Accompanying this Application is a:   * Supporting Affidavit **mandatory** * National Police Certificate processed within 6 months before the date of filing this application **mandatory** * Copy of any transcript or sentencing remarks in connection with the conviction **mandatory if available** |

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| **To the Applicant**   * Regulation 5A of the *Spent Convictions Regulations 2011* provides the details and accompanying documents that an application under section 13A of the *Spent Convictions Act 2009* must set out or include. Please ensure that you have all the required details and accompanying documents in your application. * You do not need to attend the hearing unless you are notified to do so by the Registrar. |

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| **To the Other Parties: WARNING**  A qualified Magistrate is empowered to exercise a discretion pursuant to sub-clause 5(2) of Schedule 2 of the *Spent Convictions Act 2009* to conduct all or part of this proceeding on the basis of the documents in chambers unless a Respondent intervenes. If you wish to intervene and request a hearing in these proceedings you must file a Form 55 Response within 14 days after being served with this Application. |

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| **Service**  The party filing this document is required to serve it on all other parties in accordance with the Rules of Court. |