**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**

|  |  |
| --- | --- |
| 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)** |

|  |  |
| --- | --- |
| 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** |
|  |
| **Email address** |
| Phone Details |  |  |
| **Type (eg. Home; work; mobile) – Number**  | **Another number (optional)** |

|  |  |
| --- | --- |
| 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**

|  |  |
| --- | --- |
| 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**

|  |  |
| --- | --- |
| 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)** |

|  |
| --- |
| **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*]. |

|  |
| --- |
| **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**
 |

|  |
| --- |
| **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.
 |

|  |
| --- |
| **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. |

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