

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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<p>Hearing Date and Time:</p> <p>Hearing Location:</p>
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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.