

## Form 2                      Application to amend or revoke prohibition order or interim prohibition order

*Crimes (Child Sex Offenders) Act 2005*

(see s 132K (Application to amend or revoke prohibition order or interim prohibition order))

In the Magistrates Court of the Australian Capital Territory

AP...../.....(*Court to complete*)

Applicant                      (*applicant's full name*)

Respondent                      (*respondent's full name*)

\*To: (respondent's full name) of (respondent's address)

\*And to: (name and address of anyone else the Court directs to be served)

**Take notice** that the Court will hear an application by (applicant's full name) on (*date*) at (time) (or as soon after that as this application can be heard) to make the following orders:

- 1            (set out briefly orders sought and each party affected by the orders);
- 2            any other orders that the Court considers appropriate.

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Filed for the applicant by:

*(the applicant's address for service and telephone number (if any) or, if the applicant is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor)*

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**\*[Prohibition order/Interim prohibition order]**

- 3 This application relates to \*[prohibition order/interim prohibition order] made on (*date*).

**Application for leave**

- 4 Is leave required to bring this application?

no

*Note* A person does not need leave to apply if the prohibition order, or interim prohibition order, was made in the person's absence—see the *Crimes (Child Sex Offenders) Act 2005*, s 132K (3).

yes

**\*Grounds for leave**

- 5 I, (*applicant's full name*), the \*[person to whom a prohibition order applies/person to whom an interim prohibition order applies/chief police officer] apply for leave to apply for an order to \*[amend the prohibition order/revoke the prohibition order/amend the interim prohibition order/revoke the interim prohibition order].

- 6 Leave is sought on the following grounds:

- (a) \*it is in the interests of justice that leave is granted because the following changes to \*[my circumstances/the person's circumstances] have happened since the order was \*[made/last amended] by the Court:

*(insert details of the changed circumstances that are relevant, including the date when the circumstances changed)*

- (b) \*it is appropriate on the following compassionate grounds:

*(insert details of the compassionate grounds, including any culturally specific needs of the person)*

## Grounds for application

7        *\*(If leave is not required) I, (applicant's full name), the \*[person to whom a prohibition order applies/person to whom an interim prohibition order applies/chief police officer] apply for an order to \*[amend the prohibition order/ revoke the prohibition order/amend the interim prohibition order/ revoke the interim prohibition order].*

*\*(If leave is required) I apply for an order to \*[amend the prohibition order/ revoke the prohibition order/amend the interim prohibition order/ revoke the interim prohibition order].*

8        An order is sought on the following grounds:

(a)     *\*the prohibition order be \*[amended/revoked] because the following changes to \*[my circumstances/the person's circumstances] have happened since the order was \*[made/last amended] by the Court:*

*(insert details of matters that are relevant to the Court's decision, including changed circumstances and the date when the circumstances changed)*

*Note 1* The *Crimes (Child Sex Offenders) Act 2005*, s 132L sets out matters that the Court must have regard to in relation to amending or revoking a prohibition order for a person including—

- the matters mentioned in s 132D to the extent that the Court that made the prohibition order was required to have regard to those matters; and
- changes to the person's circumstances since the prohibition order was made or last amended by the Court.

*Note 2* The *Crimes (Child Sex Offenders) Act 2005*, s 132D provides that the Court may make an order for a person if satisfied that—

- the person is a registrable offender; and
- the person has engaged in conduct stated in the application for the order; and
- having regard to the nature or pattern of the conduct engaged in—
  - (i) the person poses a risk to the lives or sexual safety of 1 or more children or of children generally; and

(ii) the making of the order will reduce the risk; and

- the order is appropriate having regard to the matters mentioned in s 132E.

*Note 3* The *Crimes (Child Sex Offenders) Act 2005*, s 132E sets out the matters that the Court must consider before making a prohibition order for a person.

- (b) \*the interim prohibition order be \*[amended/revoked] because the following changes to \*[my circumstances/the person's circumstances] have happened since the order was \*[made/last amended] by the Court:

*(insert details of matters that are relevant to the Court's decision, including changed circumstances and the date when the circumstances changed)*

*Note 1* The *Crimes (Child Sex Offenders) Act 2005*, s 132L sets out matters that the Court must have regard to in relation to amending or revoking an interim prohibition order for a person including—

- the matters mentioned in s 132H to the extent that the Court that made the prohibition order was required to have regard to those matters; and
- changes to the person's circumstances since the prohibition order was made or last amended by the Court.

*Note 2* The *Crimes (Child Sex Offenders) Act 2005*, s 132H provides that the Court may make an order for a person if satisfied that—

- the person is a registrable offender; and
- having regard to the nature or pattern of the conduct stated in the application the person poses a risk to the lives or sexual safety of 1 or more children or of children generally; and
- the making of the interim order will reduce the risk until the application is decided.

- (c) *\*(for an applicant who is required to seek leave to apply) the matters mentioned in paragraph 6.*

Date:

*\*[signature of applicant/representative]*

*\*omit if, or whichever is, inapplicable*