**Magistrates’ Court of Victoria**

**APPLICATION TO VARY/REVOKE PROHIBITION ORDER**

**Section 66ZH Sex Offenders Registration Act 2004**

|  |  |  |
| --- | --- | --- |
|  | Court Reference: |       |
|  |
| Applicant: |       |  |
| Address: |       |
| Email: |       | Phone: |       |
| Capacity: | [ ]  | Victoria Police | [ ]  | Offender *(must attach police consent or seek court leave)* |
|  |
| Respondent: |       |
| Address: |       |
|  |
| On |       | an \* Interim / Final Prohibition Order was made by the Magistrates’ Court at |
|       | I make application to \* Vary / Revoke this order. |
|  |
| **DETAILS OF VARIATIONS SOUGHT** *(Does not apply to Application to Revoke)*  |
|       |
|       |
|       |
|  |
| **GROUNDS FOR MAKING THIS APPLICATION** – See Attached Affidavit  |
|  |
| **ATTACHED DOCUMENT(S)** *(documents required to be attached to the application)* |
| [ ]  | Affidavit setting out the grounds on which the variation / revocation of the prohibition order is sought |
| [ ]  | Victoria Police consent to application *(if applicable)* |
|  | If consent has not been obtained, you will need to apply for leave from court to make application. |
|  |
| Date: |       |  |  |
|  |  |  | *(Signed) Applicant* |
|  |
| **LISTING OF APPLICATION** *(registrar to complete)* |
| This application is listed for hearing before the Magistrates’ Court at |       |  |
| at |       | \* am / pm | on *(date)* |       |  |
|  |  |
|  |
| Date: |       |  |  |
|  |  |  | *Registrar of the Magistrates’ Court* |
| \* Delete if inapplicable |
|  |
| **IMPORTANT NOTES FOR APPLICANT:** |
| You must serve a copy of this application as soon as practicable on the respondent.  |
| An affidavit/declaration of service must be completed and filed with the Court before the hearing. |

**AFFIDAVIT / DECLARATION OF SERVICE OF PROHIBITION ORDER APPLICATION**

Sex Offenders Registration Act 2004

|  |  |  |
| --- | --- | --- |
| IN THE MAGISTRATES’ COURT | Court Reference: |       |
| OF VICTORIA |
| AT |       |  |
|  |
| BETWEEN |       |  |
| Plaintiff |
|  |
| OF |       |
|  |
| and |       |  |
| Defendant |
|  |
| OF |       |

|  |  |  |  |
| --- | --- | --- | --- |
| Date of document: |       |  |  |
| Filed on behalf of: |       |  |  |
| Australian lawyer name: |       | Code: |       |
| Address: |       | Telephone: |       |
| Reference: |       |

|  |  |  |  |
| --- | --- | --- | --- |
| I |       |  |       |
|  | *(full name of the person serving document)* |  | *(occupation)* |
| of |       |
|  | *(address)* |
| \*make oath and say |
| \*affirm and say |
| \*declare that |
| I served a copy of the  | \*Application to Vary \*Interim / \*Final Prohibition Order |
|  | \*Application to Revoke \*Interim / \*Final Prohibition Order |
|  | \*Application to Vary Interstate Registration Order |
|  |
| on |       |
|  | *(name of the person served with document)* |

*(State all relevant information and facts regarding the service in numbered paragraphs which may include answers to the following:*

* *How did you identify the person you served and establish the person’s identity?*
* *Was the person you served the person named in the document/s to be served?*
* *At what time, day of the week and date did you serve the document/s on the person?*
* *Where was the person served the document/s? For example, was it at the residence or the business of the person?*
* *How was/were the document/s served on the person? For example, by hand or by post?)*

|  |
| --- |
|       |

|  |
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|  |
| \*[*for affidavits*] The contents of this affidavit are true and correct and I make it knowing that a person making a false affidavit may be prosecuted for the offence of perjury.  |
|  |
| \*[*for statutory declarations*] I declare that the contents of this statutory declaration are true and correct and I make it knowing that making a statutory declaration that I know to be untrue is an offence.  |
|  |
| \*Sworn/Affirmed/Declared at *(place)* |  |  |
|       |  |  |
|  |
| in the State of Victoria on *(date)* |  |  |
|       |  |  |
|  |
|  |       |
| *(Signature of person making affidavit)* |
|  |
| Before |  |  |
|  | *(Signature)* |
|  |
|  |       |
|  | *(Name and address in legible writing, typing or stamp)* |
|  |
| \*authorised under section 30(2) of the **Oaths and Affirmations Act 2018** to witness the signing of a statutory declaration.  |
| \*authorised under section 19(1) of the **Oaths and Affirmations Act 2018** to take an affidavit.  |