

SUPPLEMENTARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

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All instruments appearing in this gazette are to be considered official, and obeyed as such

RULES OF COURT

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SOUTH AUSTRALIA

Joint Criminal (No 2) Amending Rules 2023

By virtue and in pursuance of the Supreme Court Act 1935, the District Court Act 1991, the Environment, Resources and Development Court Act 1993, the Magistrates Court Act 1991 and the Youth Court Act 1993, and all other enabling powers, we, the Chief Justice of the Supreme Court, the Chief Judge of the District Court, the Senior Judge of the Environment, Resources and Development Court, the Chief Magistrate of the Magistrates Court, and the Judge of the Youth Court make the following Joint Criminal (No 2) Amending Rules 2023.

1. These Rules may be cited as the Joint Criminal (No 2) Amending Rules 2023.
2. The Joint Criminal Rules 2022 are amended as set out below.
3. The amendments made by these rules come into effect on the later of—
 - (a) Monday 3 July 2023; or
 - (b) the date of their publication in the Gazette.
4. Rule 13.3(2) Notes is amended to substitute the number “six” for “five” in the first paragraph.
5. Rule 13.3(2) Notes is amended to include “, the Nunga Court Division” immediately following the words “Criminal Division” in the first paragraph.
6. Rule 28.12 is deleted and substituted as follows:

“28.12—Filing of sensitive material

 - (1) This rule applies if a party files sensitive material.
 - (2) If a party files a document that has an attachment (whether in physical or electronic form) that comprises or includes sensitive material, the attachment must not be filed electronically but must be filed physically in accordance with the provisions of this rule.

Example—

If an item of evidentiary material comprising sensitive material is listed in an evidentiary material brief and would otherwise be filed electronically with the evidentiary material brief, the item must not be filed electronically but must be filed physically in accordance with the provisions of this rule. The balance of the evidentiary material brief must be filed electronically when these Rules require electronic filing.
 - (3) If a party files a document that comprises or includes sensitive material, the document must not be filed electronically but must be filed physically in accordance with the provisions of this rule.
 - (4) Sensitive material filed under this rule must—
 - (a) be filed in a sealed envelope marked with the title and case number of the proceeding, a description of the material and the name of the party producing it;
 - (b) be accompanied by a document identifying any conditions imposed by the prosecution under section 67I of the Evidence Act on access of the defence to the material;
 - (c) if and to the extent that it comprises electronic material, be contained on a USB drive in the sealed envelope and accompanied by any instructions or code needed to access it.
 - (5) A party who files sensitive material under this rule must, upon request by the Principal Registrar, provide any special computer software or hardware required to access the material.
 - (6) If, after sensitive material is filed, the prosecution determines to impose any conditions under section 67I of the Evidence Act on access of the defence to the sensitive material, the prosecution must inform the Principal Registrar as soon as practicable.”
7. A new Rule 28.13 is inserted immediately after 28.12 as follows:

“28.13—Other production of sensitive material

 - (1) This rule applies if a party tenders or otherwise produces to the Court sensitive material other than by filing it under rule 28.12.
 - (2) Sensitive material tendered or produced to the Court under this rule must—
 - (a) be produced in a sealed envelope marked with the title and case number of the proceeding, a description of the material and the name of the party producing it;
 - (b) be accompanied by a document identifying any conditions imposed by the prosecution under section 67I of the Evidence Act on access of the defence to the material;
 - (c) if and to the extent that it comprises electronic material, be contained on a USB drive in the sealed envelope and accompanied by any instructions or code needed to access it.
 - (3) A party who produces sensitive material under this rule must, upon request by the Court, provide any special computer software or hardware required to access the material.
 - (4) If, after sensitive material is produced, the prosecution determines to impose any conditions under section 67I of the Evidence Act on access of the defence to the sensitive material, the prosecution must inform the Court of as soon as practicable.”
8. A new Rule 28.14 is inserted immediately after 28.13 as follows:

“28.14—Access to sensitive material

 - (1) The Court will keep sensitive material and any relative code in secure storage.

- (2) Subject to any statutory provision to the contrary, sensitive material and any relative code kept by the Court may only be accessed by a party or third person—
 - (a) by order of the Court;
 - (b) for the purpose of the proceeding in which the material is received into the custody of the Court; and
 - (c) if in electronic format—on a computer caused to be maintained by the Principal Registrar, or provided by the producing party, for that purpose.

Higher Courts

- (3) If copies of exhibits containing sensitive material are provided during a trial to assist the jury, at the conclusion of the trial, the Sheriff must ensure that all of the copies of the sensitive material are retrieved from the jury and delivered to the Principal Registrar.

All Courts

- (4) When access to the sensitive material is no longer required for the purpose of the proceeding, the material and any relative code are to be returned to the Principal Registrar and the Principal Registrar must—
 - (a) cause any images to be erased from all drives of the computer;
 - (b) cause the sensitive material and any relative code to be placed in a sealed envelope marked “Not to be opened except by order of a [Judge or Magistrate as the case may be]”; and
 - (c) cause the envelope to be placed in secure storage.
 - (5) Unless the Court otherwise orders, no later than six months after finalisation of the proceeding including any appeal, the Principal Registrar must cause the sensitive material and any relative code to be returned to the party who produced it.
 - (6) After finalisation of the proceeding including any appeal, a sealed envelope containing sensitive material may only be opened by order of the Court or for the purpose of complying with subrule (5).”
9. Subrule 39.1(7) is amended to substitute the words “7 days” for the words “2 business days”.
 10. Subrule 39.1(7) in the Notes is amended to insert the word “also” after “Rule 66.1”.
 11. Subrule 39.1(7) in the Notes is amended to insert the word “also” after “Rule 102.1”.
 12. Subrule 63.1(1) is amended to substitute the words “(3), (4) and (5)” for the words “(3) and (4)” after the word “subrules”.
 13. Subrule 63.1(1) is amended to delete the words “delete or”.
 14. Subrule 63.1(2) is amended to substitute the words “(3), (4) and (5)” for the words “(3) and (4)” after the word “subrules”.
 15. Subrule 63.1(2) is amended to delete the word “delete” and the comma immediately after the word “delete”.
 16. A new subrule rule 63.1(5) is added immediately after subrule (4) as follows:

“(5) A count cannot be withdrawn (or deleted from an information) other than by announcement in Court.”
 17. Subrule 63.1(5) is renumbered as 63.1(6).
 18. Subrule 63.1(6) is renumbered as 63.1(7).
 19. Subrule 63.1(7) is renumbered as 63.1(8).
 20. A new rule 65.4 is inserted immediately after rule 65.3 as follows:

“65.4—Documents for use at hearings

 - (1) Unless the Court otherwise orders, an affidavit, report, reference or other document to be relied on at a hearing must be provided to the Court and served at least 2 business days before the listed hearing date.
 - (2) Unless the Court otherwise orders, written submissions or a summary of argument to be relied on at a hearing must be filed and served at least 2 business days before the listed hearing date.”
 21. A new rule 65.5 is inserted immediately after rule 65.4 as follows:

“65.5—Consent orders

 - (1) Unless the Court otherwise orders, if the parties consent to an order to be made at or in lieu of a hearing (including, without limitation, an order adjourning the hearing or extending time to take a step in the proceeding), the terms of the consent order and fact of the consent to the order must be communicated to the Court at least 2 business days before the hearing date.
 - (2) Unless the Court otherwise orders, if the parties wish to request an order in chambers in the absence of the parties adjourning a hearing, the request together with the reason for the request and the purpose of the proposed adjournment must be communicated to the Court at least 2 business days before the hearing date.”
 22. A Note is inserted immediately following subrule 66.1(5) as follows:

“Note—

Rule 39.1(7) also requires an interlocutory application to be filed and served at least 7 days before the hearing at which the orders are to be sought.”
 23. A Note is inserted immediately following subrule 102.1(4) as follows:

“Note—

Rule 39.1(7) also requires an interlocutory application to be filed and served at least 7 days before the hearing at which the orders are to be sought.”
 24. A new Part 11 is added immediately following rule 107.2 as follows:

“Part 11—Hearings generally

108.1—Documents for use at hearings

 - (1) Unless the Court otherwise orders, an affidavit, report, reference or other document to be relied on at a hearing must be provided to the Court and served at least 2 business days before the listed hearing date.
 - (2) Unless the Court otherwise orders, written submissions or a summary of argument to be relied on at a hearing must be filed and served at least 2 business days before the listed hearing date.

108.2—Consent orders

- (1) Unless the Court otherwise orders, if the parties consent to an order to be made at or in lieu of a hearing (including, without limitation, an order adjourning the hearing or extending time to take a step in the proceeding), the terms of the consent order and fact of the consent to the order must be communicated to the Court at least 2 business days before the hearing date.
- (2) Unless the Court otherwise orders, if the parties wish to request an order in chambers in the absence of the parties adjourning a hearing, the request together with the reason for the request and the purpose of the proposed adjournment must be communicated to the Court at least 2 business days before the hearing date.”

25. A new subrule 150.6 is added to Part 3, Division 2 of Chapter 7 as follows:

“150.6 – Nunga Court

- (1) This rule applies if—
 - (a) the defendant is an Aboriginal or Torres Strait Islander person within the meaning of section 9AA(a)(c) of the Magistrates Court Act 1991;
 - (b) the defendant has pleaded guilty to an offence; and
 - (c) the defendant has applied to be sentenced for the offending in the Nunga Court.
- (2) If this rule applies, the Court may grant an application that the defendant be sentenced in the Nunga Court Division of the Court.”

26. Subrule 157.3(1) is amended to substitute the words “Department for Child Protection” for the words “Department for Education”.

27. In Schedule 1(1), the first table is deleted and substituted as follows:

Table 1 – Professional Fees			
Item	Description	Amount if represented by solicitor	Amount if represented by non-legally qualified person
1	Instructions, including all preparation for trial and attendances up to, but not including attendance at a Pre-Trial Conference	\$1,160	\$290
2	All aspects not otherwise specified from Pre-Trial Conference to Trial, including proofing witnesses, advice or evidence and law (solicitor and counsel) and delivering brief to counsel.	\$1,160	\$210
3	Attendance at pre-trial conference	\$320	\$80
4	Attendance at hearing (see note 2 below)	\$120	\$35
5	Attendance where detailed argument is necessary	\$210	\$45
6	Arranging attendance of witnesses (including issue and service of summons if necessary) - per witness	\$110	Nil
Counsel fees			
7	Fee on brief, to include attendance for plea or withdrawal (if separate counsel briefed)	\$1,050	\$260
8	Each day	\$1,580	\$390

28. In Schedule 1(1) the Notes immediately before the first table are deleted, and the following Notes are added immediately after the first table:

“Notes to Table 1:

1. The fees set out in items 1 and 2 of Table 1 cover all necessary attendances and preparatory work for a trial (other than attendance at a pre-trial conference). Where an attendance is wasted because of default by one or other party, an order should be sought and made at that hearing.
2. The fee set out in item 4 of Table 1 should be used in case of default by one or other party.”

29. In Schedule 1(1), the second table is deleted and substituted as follows:

Table 2 - Witness fees and disbursements		
Item	Description	Amount
Witness Fees		
1	Professional scientific or other expert witnesses per day	\$1,050 or such amount ordered by the Court
2	Other adult person per day	\$380
3	Persons under 18 years of age per day	\$160
4	Travel expenses	Where the witness is normally resident more than 50 km from the trial Court: <ol style="list-style-type: none"> (a) at the rate of 90 cents per km; or (b) the least expensive return air fare; or (c) whichever is the lesser or the cheapest combination of both (a) and (b).

5	Accommodation expenses	In the discretion of the taxing officer where the witness is required to be absent from the witness's normal place of residence overnight for accommodation and: (a) sustenance per night \$300; or (b) such larger amounts allowed by the Court at the time of, or before, judgment.
	Disbursements	
6	Photocopying	68 cents per page
7	ISD calls	The actual cost.
8	Expert Reports	\$1,050 or such other amount ordered by the Court
9	Other	All Court fees, search fees, and other fees and payments to the extent to which they have been properly and reasonably incurred and paid; but excluding the usual and incidental expenses and overheads of a legal practice and in particular excluding postage, telephone charges (non STD) and courier expenses.

30. In Schedule 1(1) the following is added immediately after the second table:

“Notes to Table 2:

- 1 If a witness is released before or is required to first attend after the luncheon break on any day, half a day will be allowed.
- 2 Fees for non-legally qualified people are for attendances only.
- 3 This scale is for use in making orders about costs as between party and party.
- 4 The costs allowed in this scale do not include Goods and Services Tax (GST) which is to be added except in the following circumstances:
The GST should not be included in a claim for costs in a party/party Bill of Costs if the receiving party is able to obtain an input tax credit. If the receiving party is able to obtain an input tax credit for a proportion of GST only, only the portion which is not eligible for credit should be claimed in the party/party bill.”

31. In Schedule 1(2), the first table is deleted and substituted as follows:

Table 1 – Scale of Costs – General			
Item	Description	Amount if represented by solicitor	Amount if represented by non-legally qualified person
1	Instructions, including all preparation for trial and attendances up to, but not including attendance at a Pre-Trial Conference	\$1,210	\$310
2	All aspects not otherwise specified from Pre-Trial Conference to Trial, including proofing witnesses, advice or evidence and law (solicitor and counsel) and delivering brief to counsel.	\$1,210	\$220
3	Attendance at pre-trial conference	\$330	\$80
4	Attendance at hearing (see note 2 below)	\$120	\$40
5	Attendance where detailed argument is necessary	\$220	\$50
6	Arranging attendance of witnesses (including issue and service of summons if necessary) - per witness	\$110	
	Counsel fees		
7	Fee on brief, to include attendance for plea or withdrawal (if separate counsel briefed)	\$1,100	\$280
8	Each day	\$1,650	\$410

32. In Schedule 1(2) the Notes immediately before the first table are deleted, and the following Notes are added immediately after the first table:

“Notes to Table 1:

- 1 The fees set out in items 1 and 2 of Table 1 cover all necessary attendances and preparatory work for a trial (other than attendance at a pre-trial conference). Where an attendance is unnecessary because of default by one or other party, an order should be sought and made at that hearing.
- 2 The fee set out in item 4 of Table 1 should be used in case of default by one or other party.”

33. In Schedule 1(2), the second table is deleted and substituted as follows:

Table 2 – Witness Fees and disbursements		
Item	Description	Amount
	Witness Fees	
1	Professional scientific or other expert witnesses per day	\$1,100 or such amount ordered by the Court
2	Other adult person per day	\$400
3	Persons under 18 years of age per day	\$170
4	Travel expenses	Where the witness is normally resident more than 50 km from the trial Court: (a) at the rate of 95 cents per km; or (b) the least expensive return air fare; or (c) whichever is the lesser, or the cheapest, combination of both (a) and (b).
5	Accommodation expenses	In the discretion of the taxing officer where the witness is required to be absent from the witness's normal place of residence overnight for accommodation and: (a) sustenance per night \$320; or (b) such larger amounts allowed by the Court at the time of, or before, judgment.
	Disbursements	
6	Photocopying	72 cents per page
7	ISD calls	The actual cost.
8	Expert Reports	\$1,100 or such other amount ordered by the Court
9	Other	All Court fees, search fees, and other fees and payments to the extent to which they have been properly and reasonably incurred and paid; but excluding the usual and incidental expenses and overheads of a legal practice and in particular excluding postage, telephone charges (non STD) and courier expenses.

34. In Schedule 1(2) the following is added immediately after the second table:

“Notes to Table 2:

- 1 If a witness is released before or is required to first attend after the luncheon break on any day, half a day will be allowed.
- 2 Fees for non-legally qualified people are for attendances only.
- 3 This scale is for use in making orders about costs as between party and party.
- 4 The costs allowed in this scale do not include Goods and Services Tax (GST) which is to be added except in the following circumstances:
The GST should not be included in a claim for costs in a party/party Bill of Costs if the receiving party is able to obtain an input tax credit. If the receiving party is able to obtain an input tax credit for a proportion of GST only, only the portion which is not eligible for credit should be claimed in the party/party bill.”

35. In Schedule 2, Form 25 – Bail Agreement is deleted and substituted as follows:

Form 25

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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BAIL AGREEMENT

Bail Act 1985 s 6

[SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION

[FULL NAME]
Informant/R

v

[FULL NAME]
Defendant/Youth

Defendant/Youth	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Date of Birth/Licence No	Date of Birth		Driver's Licence no	
Phone Details	Type (eg. Home; work; mobile) - Number		Another number	

Bail Agreement

I, the [Defendant/Youth] of the above address, having been

- ☐ charged with the [offence/offences] listed in the Information dated [date],
- ☐ convicted of the [offence/offences] [being count/counts [number(s)]] listed in the Information dated [date],

agree to obey all the bail rules listed in this agreement.

I understand that if I do not appear when required, or if I do not obey the bail rules—

I may be arrested by the police with or without a warrant; and

I may have to pay any money that I have agreed to pay to the Court if I break this agreement; and

I may be convicted of an offence against the *Bail Act 1985* and may be sent to prison for up to 2 years or fined up to \$10,000.

Rules (Conditions)

General

- ☐ 1. I must be of good behaviour and obey the conditions of this Bail Agreement.

- ☐ 2. I must pay to the Court \$[amount] if I break any terms or conditions of this Bail Agreement.
- ☐ 3. I must provide security by personally depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- ☐ 4. I must come to Court
- a. [on date, at time, at location, in court]
- b. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

Supervision

- ☐ 5. **Adult Only** I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
6. [BLANK]
- ☐ 7. **Youth Only** I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
8. [BLANK]
- ☐ 9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
10. [BLANK]
- ☐ 11. **default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected** I must report [within 2 working days of signing this Bail Agreement/immediately] to the offices of the Community Corrections Centre at [location] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 12. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- ☐ 13. **Youth Only** I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- ☐ 14. **Adult Only** I must report [within 2 working days of signing this Bail Agreement/immediately] to my Supervising Officer in person at [location] or by telephone on [insert correct phone number] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 15. **Youth Only** I must report [within 2 working days of signing this Bail Agreement/immediately] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- ☐ 16. **Adult Only** I must report to the police at [police station location] police station between [time] and [time] every [reporting day(s)] starting on [date].
- ☐ 17. **Youth Only** I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).

- ☐ 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

Travel

- ☐ 19. default selected if no supervision condition selected I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- ☐ 20. default selected if supervision condition selected I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department [*for Correctional Services/of Human Services*] or nominee
- ☐ 21. I can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. I must report to [*location*] by no later than [*time*] on [*date*].
- ☐ 22. I must give up any passport I have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
- ☐ 23. I must not enter any point of international departure such as an airport or seaport.

Firearms

- ☐ 24. mandatory unless cogent reasons and no undue risk I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- ☐ 25. mandatory unless cogent reasons and no undue risk I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- ☐ 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [*location*] Police Station.

Home Detention

- ☐ 27. Adult Only I must live at [*address*] and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
 - g. any other reason approved or directed by my Supervising Officer.
- ☐ 28. Mandatory if serious and organised crime suspect I must reside at [*address*] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
- A. necessary medical or dental treatment for me
 - B. averting or minimising a serious risk of death or injury (whether to me or some other person)
 - C. any other purpose approved by the Chief Executive of the Department [*for*

Correctional Services/of Human Services].

- ☐ 29. *accommodation support program selected* I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
 - g. any other reason approved or directed by my Supervising Officer.
- ☐ 30. *Youth only* I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- a. remunerated (paid) employment;
 - b. necessary medical or dental treatment;
 - c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
- ☐ 31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
- ☐ 32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [for *Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914].
- ☐ 33. When I am released from court, I must go straight to the offices of the Department [for *Correctional Services/of Human Services*] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].
- ☐ 34. *mandatory if serious and organised crime suspect* When I am released from Court:
- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [for *Correctional Services/of Human Services*] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
 - b. I must wear the electronic transmitter and obey the Department [for *Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - c. I must always be contactable by mobile telephone *following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected* [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
 - d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.

- e. I must come to an entrance to the required address at the request of my Supervising Officer *[or a Police Officer]*. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
 - f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
 - g. I must comply with any direction given by my Supervising Officer.
- ☐ 35. I give permission for the Department *[for Correctional Services/of Human Services]* to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
- ☐ 36. If an emergency requires me to move to another address:
 - a. I must not move until I have obtained the permission of my Supervising Officer; and
 - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

Residence (place of living)

- ☐ 37. I must live at *[address]*
- ☐ 38. **Adult only** I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- ☐ 39. I must live where my Supervising Officer directs.
- ☐ 40. **Youth only** I must live where *[my Supervising Officer/the Department for Child Protection]* directs, at first with *[name]*.
- ☐ 41. I must stay at the required address between the hours of *[time]* and *[time]* and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
 - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - b. in line with the terms and conditions of this Bail Agreement.
- ☐ 42. **Youth only** I must stay at the required address between the hours of *[time]* and *[time]* and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
 - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - b. in line with the terms and conditions of this Bail Agreement;
 - c. in the company of *[name/an adult approved by my Supervising Officer]*.
- ☐ 43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
- ☐ 44. **default selected if general residential condition selected** If an emergency requires me to move to another address:
 - a. I must not move until I have obtained the permission of my Supervising Officer; and

- b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
- c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.

☐ 45. I must not live at [address(es)].

☐ 46. I must not live with [name(s)].

Monitoring

☐ 47. When I am released from Court, I:

- a. ~~default selected~~ must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914];
- b. ~~youth only~~ must remain in custody pending the availability of an electronic monitoring device;
- c. must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
- d. must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
- e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
- f. must answer straight away to any calls or text messages from the Department [*for Correctional Services/of Human Services*] on the mobile phone number I have given.

Programs

☐ 48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.

☐ 49. ~~Adult Only~~ I must

- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
- b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.

☐ 50. I must go to an assessment and, if assessed as suitable, go to and complete any:

- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
- b. educational, vocational or recreational programs;
- c. intervention program;
- d. programs and projects,

that my Supervising Officer reasonably directs.

- ☐ 51. *Adult Only* I must pay [*amount in dollars or percentage of cost*] towards the cost of [*any course or treatment/specify courses or treatments*] required to be undertaken by me under the condition[s] above.

Communication

- ☐ 52. *Mandatory if serious and organized crime suspect* I must not communicate with any person other than [*specify person or class*].
- ☐ 53. *mandatory if serious and organised crime suspect* I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
- ☐ 54. I must not:
- a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
 - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
 - c. use any social media, networking or chat based applications on the internet or any electronic devices.

Association

- ☐ 55. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
- ☐ 56. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.
- ☐ 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*]. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 58. I must not go or stay within [*number*] metres of the boundary of any place where [*name*] may live or work.
- ☐ 59. I must not [*go to [location] [or] go or stay within the area [description of area, including boundaries]*]. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 60. *mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children* I must not do any child related work and I must not apply for child related work except [*specify exception(s)*].
- ☐ 61. I must not assault, harass, threaten or intimidate [*name*].
- ☐ 62. I must obey the terms of any active Intervention Order.

Employment

- ☐ 63. I must tell my Supervising Officer of any change of employment within 2 working days of the

change.

Drugs and Alcohol

- ☐ 64. I must not use
- a. alcohol
 - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
 - c. [other]

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

- ☐ 65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

Driver's Licence

66. I must not drive, or sit in the driver's seat of a motor vehicle, [*unless I hold a current driver's licence*].

Other Conditions

- ☐ 67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to [*nominated place/address*].
- ☐ 68. [*other conditions*] provision for multiple additional conditions

Guarantee

- ☐ 69. I must give the Court a written guarantee from [*name, address, date of birth*], in terms acceptable to the Court, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of \$[*amount*] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

[Defendant/Youth]

I agree to this bail agreement. I have been provided with a copy of this Bail Agreement.

.....
Signature of [Defendant/Youth]

.....
Name printed

Witness

.....
Signature of authorised witness

witness must be the Judicial Officer granting bail, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Defendant/Youth is in a training centre, the person in charge of a prison if the Defendant/Youth is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

.....
Printed name and title of witness (if not Judicial Officer granting bail) stamp here if applicable

.....
Date

36. In Schedule 2, Form 25A – Bail Agreement Variation is deleted and substituted as follows:

Form 25A**To be inserted by Court**

Case Number:

Date Filed:

FDN:

BAIL AGREEMENT VARIATION

Bail Act 1985 s 6

[SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

[FULL NAME]

Informant/R**v****[FULL NAME]****Defendant/Youth**

Defendant/Youth	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Date of Birth/Licence No	Date of Birth		Driver's Licence no	
Phone Details	Type (eg. Home; work; mobile) - Number		Another number	

Bail Agreement

I, the [Defendant/Youth] of the above address, having been

- ☐ charged with the [offence/offences] listed in the Information dated [date],
- ☐ convicted of the [offence/offences] [being count/counts [number(s)]] listed in the Information dated [date],

agree to obey all the bail rules listed in this agreement.

I understand that if I do not appear when required, or if I do not obey the bail rules—

I may be arrested by the police with or without a warrant; and

I may have to pay any money that I have agreed to pay to the Court if I break this agreement; and

I may be convicted of an offence against the *Bail Act 1985* and **may be sent to prison for up to 2 years or fined up to \$10,000.**

Rules (Conditions)**General**

- ☐ 1. I must be of good behaviour and obey the conditions of this Bail Agreement.

- ☐ 2. I must pay to the Court \$[amount] if I break any terms or conditions of this Bail Agreement.
- ☐ 3. I must provide security by personally depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- ☐ 4. I must come to Court
- c. [on date, at time, at location, in court]
- d. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

Supervision

- ☐ 5. Adult Only I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
6. [BLANK]
- ☐ 7. Youth Only I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
8. [BLANK]
- ☐ 9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
10. [BLANK]
- ☐ 11. default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected I must report [within 2 working days of signing this Bail Agreement/immediately] to the offices of the Community Corrections Centre at [location] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 12. Adult Only I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- ☐ 13. Youth Only I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- ☐ 14. Adult Only I must report [within 2 working days of signing this Bail Agreement/immediately] to my Supervising Officer in person at [location] or by telephone on [insert correct phone number] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 15. Youth Only I must report [within 2 working days of signing this Bail Agreement/immediately] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.

- ☐ 16. Adult Only I must report to the police at *[police station location]* police station between *[time]* and *[time]* every *[reporting day(s)]* starting on *[date]*.
- ☐ 17. Youth Only I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
- ☐ 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

Travel

- ☐ 19. default selected if no supervision condition selected I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- ☐ 20. default selected if supervision condition selected I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department *[for Correctional Services/of Human Services]* or nominee
- ☐ 21. I can leave South Australia to travel to *[location]* between *[date]* and *[date]*, both dates inclusive. I must report to *[location]* by no later than *[time]* on *[date]*.
- ☐ 22. I must give up any passport I have to the Registrar of the *[Court]* at *[location]* and must not apply for a new passport.
- ☐ 23. I must not enter any point of international departure such as an airport or seaport.

Firearms

- ☐ 24. mandatory unless cogent reasons and no undue risk I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- ☐ 25. mandatory unless cogent reasons and no undue risk I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- ☐ 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the *[location]* Police Station.

Home Detention

- ☐ 27. Adult Only I must live at *[address]* and stay there while on bail. I must not leave at any time except for:
 - h. necessary medical or dental treatment;
 - i. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - j. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - k. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - l. going to an intervention program as approved or directed by my Supervising Officer;
 - m. going to any other course of education, training or instruction, or other activity as

approved or directed by my Supervising Officer;

n. any other reason approved or directed by my Supervising Officer.

- ☐ 28. Mandatory if serious and organised crime suspect I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
- D. necessary medical or dental treatment for me
 - E. averting or minimising a serious risk of death or injury (whether to me or some other person)
 - F. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
- ☐ 29. accommodation support program selected I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
- h. necessary medical or dental treatment;
 - i. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - j. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - k. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - l. going to an intervention program as approved or directed by my Supervising Officer;
 - m. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
 - n. any other reason approved or directed by my Supervising Officer.
- ☐ 30. Youth only I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- d. remunerated (paid) employment;
 - e. necessary medical or dental treatment;
 - f. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
- ☐ 31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
- ☐ 32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914].

- ☐ 33. When I am released from court, I must go straight to the offices of the Department [*for Correctional Services/of Human Services*] at [*location*] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [*address*].
- ☐ 34. mandatory if serious and organised crime suspect When I am released from Court:
- h. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
 - i. I must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - j. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
 - k. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - l. I must come to an entrance to the required address at the request of my Supervising Officer [*or a Police Officer*]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
 - m. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
 - n. I must comply with any direction given by my Supervising Officer.
- ☐ 35. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
- ☐ 36. If an emergency requires me to move to another address:
- d. I must not move until I have obtained the permission of my Supervising Officer; and
 - e. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - f. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

Residence (place of living)

- ☐ 37. I must live at [*address*]
- ☐ 38. Adult only I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- ☐ 39. I must live where my Supervising Officer directs.

- ☐ 40. Youth Only I must live where [*my Supervising Officer/the Department for Child Protection*] directs, at first with [*name*].
- ☐ 41. I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- c. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - d. in line with the terms and conditions of this Bail Agreement.
- ☐ 42. Youth only I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- d. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - e. in line with the terms and conditions of this Bail Agreement;
 - f. in the company of [*name/an adult approved by my Supervising Officer*].
- ☐ 43. while a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
- ☐ 44. default selected if general residential condition selected If an emergency requires me to move to another address:
- d. I must not move until I have obtained the permission of my Supervising Officer; and
 - e. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - f. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
- ☐ 45. I must not live at [*address(es)*].
- ☐ 46. I must not live with [*name(s)*].

Monitoring

- ☐ 47. When I am released from Court, I:
- g. default selected must go straight to [*address*], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914];
 - h. youth only must remain in custody pending the availability of an electronic monitoring device;
 - i. must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - j. must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my

contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.

- k. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
- l. must answer straight away to any calls or text messages from the Department [*for Correctional Services/of Human Services*] on the mobile phone number I have given.

Programs

- ☐ 48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
- ☐ 49. *Adult Only* I must
 - c. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
 - d. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
- ☐ 50. I must go to an assessment and, if assessed as suitable, go to and complete any:
 - e. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
 - f. educational, vocational or recreational programs;
 - g. intervention program;
 - h. programs and projects,that my Supervising Officer reasonably directs.
- ☐ 51. *Adult Only* I must pay [*amount in dollars or percentage of cost*] towards the cost of [*any course or treatment/specify courses or treatments*] required to be undertaken by me under the condition[s] above.

Communication

- ☐ 52. *Mandatory if serious and organized crime suspect* I must not communicate with any person other than [*specify person or class*].
- ☐ 53. *mandatory if serious and organised crime suspect* I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
- ☐ 54. I must not:
 - d. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;

- e. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
- f. use any social media, networking or chat based applications on the internet or any electronic devices.

Association

- ☐ 55. I must not go near or stay near a child or person under the age of *[number]* years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
- ☐ 56. I must not go or stay within *[500 metres (half a kilometre)/other distance]* of any school, kindergarten or childcare centre.
- ☐ 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within *[number]* metres of *[person(s) and/or class(es) of persons]*. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 58. I must not go or stay within *[number]* metres of the boundary of any place where *[name]* may live or work.
- ☐ 59. I must not *[go to [location] [or] go or stay within the area [description of area, including boundaries]]*. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 60. mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children I must not do any child related work and I must not apply for child related work except *[specify exception(s)]*.
- ☐ 61. I must not assault, harass, threaten or intimidate *[name]*.
- ☐ 62. I must obey the terms of any active Intervention Order.

Employment

- ☐ 63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

Drugs and Alcohol

- ☐ 64. I must not use
 - d. alcohol
 - e. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
 - f. *[other]*

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

- ☐ 65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

Driver's Licence

66. I must not drive, or sit in the driver's seat of a motor vehicle, [*unless I hold a current driver's licence*].

Other Conditions

- ☐ 67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to [*nominated place/address*].
- ☐ 68. [*other conditions*] provision for multiple additional conditions

Guarantee

- ☐ 69. I must give the Court a written guarantee from [*name, address, date of birth*], in terms acceptable to the Court, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$[*amount*] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of \$[*amount*] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

[Defendant/Youth]

I agree to this bail agreement. I have been provided with a copy of this Bail Agreement.

.....

Signature of [Defendant/Youth]

.....

Name printed

Witness

.....

Signature of authorised witness

witness must be the Judicial Officer granting bail, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Defendant/Youth is in a training centre, the person in charge of a prison if the Defendant/Youth is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

.....

Printed name and title of witness (if not Judicial Officer granting bail) stamp here if applicable

.....

Date

37. In Schedule 2, Form 34A – Warrant of Remand or Mandate is deleted and substituted as follows:

Form 34A

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

WARRANT OF REMAND OR MANDATE

[SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT]

Select one COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

[FULL NAME]

Informant/R

v

[FULL NAME]

[Defendant/Youth]

Subject of Remand or Mandate			
[Defendant/Youth]	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth and Licence number	Date of Birth	Driver's Licence No	
Phone Details	Type (eg. home; work; mobile) – Number	Another number	

Next box displayed if warrant issued under *Criminal Procedure Act 1921* or *Magistrates Court Act 1991*

To: The Sheriff

The Commissioner of Police for the State of South Australia and each member of the Police Force for the State

The Chief Executive of the Department [for Correctional Services/of Human Services, Youth Justice]

Introduction

- (a) The [defendant/youth] has been charged with the [offence/offences] described in the Information dated [date].
- (b) The Court is satisfied that the [defendant/youth] should be remanded in custody pursuant to section 104(a) or section 104(b)(i) of the *Criminal Procedure Act 1921*, section 9(3) or 9(7) of the *Magistrates Court Act 1991*, or section 59(2) of the *Criminal Procedure Act 1921*.
- (c) The Court has remanded the [defendant/youth] to appear on [date] at [time] in the [name of court] at [location].

[Warrant/Mandate]

1. The Sheriff and the Commissioner of Police and members of the police force are directed to take the [defendant/youth] to a [correctional institution/training centre].
2. The Chief Executive of the Department [for Correctional Services/of Human Services, Youth Justice] is directed to receive and detain the [defendant/youth] until the day and time specified; and on that day and at that time, to have the [defendant/youth] appear before the Court to which the [defendant/youth] was remanded to be further dealt with according to law, unless some other order is made in the meantime.

Next box displayed if warrant issued under *Criminal Law Consolidation Act 1935*

To: The Sheriff

The Commissioner of Police for the State of South Australia and each member of the Police Force for the State

The Minister for Health and Wellbeing

not displayed if warrant issued under section 269X(2)(b) **The Chief Executive of the Department [for Correctional Services/of Human Services, Youth Justice]**

Introduction

- (a) The Court declared the [defendant/youth] liable to supervision on [date] and there are unresolved questions about how the Court is to deal with the [defendant/youth] and the Court considers that the [defendant/youth] should be committed to an appropriate form of custody under section 269X(2)(b) of the *Criminal Law Consolidation Act 1935*, as determined by the Minister, until the [defendant/youth] is next to be brought before the Court.
- (b) The Court has remanded the [defendant/youth] to appear on [date] at [time] in the [name of Court] at [location].

[Warrant/Mandate]

1. The Sheriff and the Commissioner of Police and members of the police force are directed to take the [defendant/youth] to a secure mental health facility or another appropriate form of custody determined from time to time by the Minister for Health and Wellbeing.
2. The Chief Executive of the Department [for Correctional Services/of Human Services, Youth Justice] and the Minister for Health and Wellbeing, as the case may be, are directed, unless some other order is made in the meantime, to detain the [defendant/youth] until the day and time specified above and on that day and at that time to have the [defendant/youth] before the Court to which the [defendant/youth] was remanded to be further dealt with according to law.

Next box displayed if warrant issued under the 'General power of the Court' on input

To: The Sheriff

The Commissioner of Police for the State of South Australia and each member of the Police Force for the State

The Chief Executive of the Department [for Correctional Services/of Human Services, Youth Justice]

Introduction

- (a) The [defendant/youth] is charged with an offence or offences in the Court.
- (b) The Court has remanded the [defendant/youth] to appear on [date] at [time] in the [name of court] at [location].

[Warrant/Mandate]

1. The Sheriff and the Commissioner of Police and members of the police force are directed to take the [defendant/youth] to a [correctional institution/training centre].
2. The Chief Executive of the Department [for Correctional Services/of Human Services, Youth Justice] is directed to receive and detain the [defendant/youth] until the day and time specified; and on that day and at that time, to have the [defendant/youth] appear before the Court to which the [defendant/youth] was remanded to be further dealt with according to law, unless some other order is made in the meantime.

Next box displayed if warrant issued under other specific statutory provision

To: The Sheriff

The Commissioner of Police for the State of South Australia and each member of the Police Force for the State

[The Minister for Health and Wellbeing]

[The Chief Executive of the Department [for Correctional Services/of Human Services, Youth Justice]]

[Other]

Introduction

- (a) *[list jurisdictional facts and criteria]*. provision for multiple
- (b) The Court has determined that a *[warrant/mandate]* should issue pursuant to *[section/regulation number]* of the *[Act or Regulations]*.
- (c) The Court has remanded the *[defendant/youth]* to appear on *[date]* at *[time]* in the *[name of court]* at *[location]*.

[Warrant/Mandate]

1. *[terms of warrant/mandate]*. provision for multiple

.....
Signature of Court Officer
[title and name]

Date *[warrant/mandate]* signed: *[date]*

38. In Schedule 2, Form 34B – Order of Remand or Mandate is deleted and substituted as follows:

Form 34B**To be inserted by Court**

Case Number:

Date Filed:

FDN:

ORDER OF REMAND OR MANDATE

[SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT]

Select one COURT OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION

[FULL NAME]
Informant/R

v

[FULL NAME]
[Defendant/Youth]

Subject of Remand or Mandate			
[Defendant/Youth]	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth and Licence number	Date of Birth	Driver's Licence No	
Phone Details	Type (eg. home; work; mobile) – Number	Another number	

To: The Sheriff

The Commissioner of Police for the State of South Australia and each member of the Police Force for the State

The Minister for Health and Wellbeing

The Chief Executive of the Department [for *Correctional Services*/of *Human Services, Youth Justice*]

Introduction

- ☐ 1. Only displayed if the Court has committed for trial/sentence The Court has committed the [defendant/youth] for [trial/sentence] in the [Supreme/District] Court at [location] to appear on [date] at [time] and decided that they should be remanded in custody pursuant to section 120(2) of the *Criminal Procedure Act 1921*.
- ☐ 2. The Court has remanded the [defendant/youth] in custody to await trial, sentence or determination in the [Supreme/District] Court.

[Warrant/Mandate]

The Sheriff and the Commissioner of Police and members of the police force are directed to take the [defendant/youth] to a [correctional institution/training centre].

1. The Chief Executive of the Department [*for Correctional Services/of Human Services, Youth Justice*] is directed to receive and detain the [defendant/youth] until an order is made by the [*Supreme/District*] Court to release the [defendant/youth].
2. The Chief Executive of the Department [*for Correctional Services/of Human Services, Youth Justice*] is directed, in accordance with notifications from the Court from time to time, to transport the [defendant/youth] to the [*Supreme/District*] Court on a day and at a time notified by the Court, to have them appear before the Court to be further dealt with according to law, and when no longer required at Court to return them to detention unless some other order is made in the meantime.

Next box displayed if warrant issued under *Criminal Law Consolidation Act 1935*

To: The Sheriff

The Commissioner of Police for the State of South Australia and each member of the Police Force for the State

The Minister for Health and Wellbeing

The Chief Executive of the Department [*for Correctional Services/of Human Services, Youth Justice*]

Introduction

(a) The Court

- ☐ is conducting committal proceedings and has reserved the question whether there should be an investigation into the [defendant/youth]'s mental competence to [*commit/stand trial for*] the [*offence/offences*] described in the Information dated [date] pursuant to Part 8A of the *Criminal Law Consolidation Act 1935* and considers that the [defendant/youth] should be committed under section 269X(1)(b) of the *Criminal Law Consolidation Act 1935* to custody until the conclusion of the investigation. displayed if section 269X(1)(b) selected if applicable
- ☐ is to conduct an investigation into the [defendant/youth]'s mental competence to [*commit/stand trial for*] the [*offence/offences*] described in the Information dated [date] pursuant to Part 8A of the *Criminal Law Consolidation Act 1935* and considers that the [defendant/youth] should be committed under section 269X(1)(b) of the *Criminal Law Consolidation Act 1935* to custody until the conclusion of the investigation. displayed if section 269X(1)(b) selected if applicable
- ☐ has received an application for review of the [defendant/youth]'s Supervision Order dated [date] alleging that the [defendant/youth] [*has contravened/is likely to contravene*] a condition of the licence dated [date] on which the [defendant/youth] was released and considers that the [defendant/youth] should be committed under section [269U/269NDA(2)] of the *Criminal Law Consolidation Act 1935* to an appropriate form of custody until the application is determined. displayed if section 269U (1a) or (3) or 269NDA(2) selected

[Warrant/Mandate]

1. The Sheriff and the Commissioner of Police and members of the police force are directed to take the [defendant/youth]
 - ☐ to a [*correctional institution/training centre*] or another form of custody determined by the Chief Executive of the Department [*of Correctional Services/for Human Services, Youth Justice*] or the Clinical Director, Forensic Mental Health Services, Department of Health

and Well-being in accordance with section 269X of the *Criminal Law Consolidation Act 1935*. displayed if first or second option selected at (a) above

- ☐ to a secure mental health facility or another appropriate form of custody determined from time to time by the Minister of Health and Wellbeing or the Chief Executive of the Department [of *Correctional Services/for Human Services, Youth Justice*]. displayed if third option selected at (a) above

2. The Chief Executive of the Department [of *Correctional Services/for Human Services, Youth Justice*] and the Minister for Health and Wellbeing, as the case may be, are directed, unless some other order is made in the meantime, to detain the [defendant/youth]

- ☐ until the conclusion of the investigation. displayed if section 269X(1)(b) selected
- ☐ until such time as the Court makes all orders that are required to be made pursuant to section 269O of the *Criminal Law Consolidation Act 1935*. displayed if section 269U selected
- ☐ until such time as the Court makes all orders that are required to be made pursuant to section 269NDA(3) of the *Criminal Law Consolidation Act 1935*. displayed if section 269NDA(2) selected

Next box displayed if warrant issued under the 'General power of the Court' on input

To: The Sheriff

The Commissioner of Police for the State of South Australia and each member of the Police Force for the State

The Chief Executive of the Department [for *Correctional Services/of Human Services, Youth Justice*]

Introduction

- (c) The [defendant/youth] is charged with an offence or offences in the Court.
- (d) The Court has remanded the [defendant/youth] in custody].

[Warrant/Mandate]

1. The Sheriff and the Commissioner of Police and members of the police force are directed to take the [defendant/youth] to a [correctional institution/training centre].
2. The Chief Executive of the Department [for *Correctional Services/of Human Services, Youth Justice*] is directed to receive and detain the [defendant/youth] until the day and time specified; and on that day and at that time, to have the [defendant/youth] appear before the Court to which the [defendant/youth] was remanded to be further dealt with according to law, unless some other order is made in the meantime.

Next box displayed if warrant issued under other specific statutory provision

To: The Sheriff

The Commissioner of Police for the State of South Australia and each member of the Police Force for the State

[The Minister for Health and Wellbeing]

[The Chief Executive of the Department [for *Correctional Services/of Human Services, Youth Justice*]]

[Other]

Introduction

- (a) [list jurisdictional facts and criteria]. provision for multiple
- (b) The Court has determined that a [warrant/mandate] should issue pursuant to [section/regulation number] of the [Act or Regulations].
- (c) The Court has remanded the [defendant/youth] in custody.

[Warrant/Mandate]

1. [terms of warrant/mandate]. provision for multiple

.....
Signature of Court Officer
[title and name]

Date signed: [date]

39. In Schedule 2, Form 151 – Notice of Qualifying Offence is deleted and substituted as follows:

Form 151

To be inserted by Court

Case Number:

Date Filed:

FDN:

NOTICE OF QUALIFYING OFFENCE

Children and Young People (Safety) Act 2017 s 48

[SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT]

Select one COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

[FULL NAME]

Informant/R

v

[FULL NAME]

Defendant/Youth

NOTICE CONCERNING:			
Defendant/Youth	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth/Licence no	Date of Birth	Driver's Licence no (if any)	
Phone Details	Type (eg. Home; work; mobile) – Number		Another number

NOTICE TO:			
Relevant Public Sector Agency	The Chief Executive for Department for Child Protection		
Address	31 Flinders Street		
	Street Address (including unit or level number and name of property if required)		
	Adelaide	SA	5000
	City/town/suburb	State	Postcode
	AU		
	Country		
	ChildProtection@sa.gov.au		
	Email address		
Phone Details	08 8226 1540		Another number
	Type (eg. Home; work; mobile) – Number		Another number

Provision for multiple boxes below if more than 1 Defendant/Youth found guilty of Qualifying Offence

Notice of Qualifying Offence

- ☐ On [date] the Court found [the] [Defendant/Youth] [number] [name] guilty of a qualifying offence within the meaning of sections 44 and 48 of the *Children and Young People (Safety) Act 2017*, namely count[s] [numbers] on the Information dated [date] (a copy of which is attached to this Notice).
- ☐ On [date] the Court found that the objective elements of the offence were established within the meaning and for the purposes of Part 8A of the *Criminal Law Consolidation Act 1935* on a charge of a qualifying offence within the meaning of sections 44 and 48 of the *Children and Young People (Safety) Act 2017* by [the] [Defendant/Youth] [number] [name], namely count[s] [numbers] on the Information dated [date] (a copy of which is attached to this Notice).

Authentication

.....
Signature of Court Officer
[title and name]

Date of Notice: [date]

40. In Schedule 2, Form 21A – Interlocutory Application for Bail is deleted and substituted as follows:

Form 21A

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

INTERLOCUTORY APPLICATION FOR BAIL

Bail Act 1985 s 8

[SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION

[FULL NAME]

Informant/R

v

[FULL NAME]

Defendant/Youth

Lodging party		
	Party title	Full Name of party
Name of law firm/office		
If applicable	Law firm/office	Responsible Solicitor

Application details

The Applicant applies for bail.

The Applicant's date of birth is: [dd/mm/yyyy]

The relevant police file number is: *[file number]*

The offences in respect of which the Applicant is applying for bail are those set out in the Information dated *[date]*

Complete the following if the Defendant has multiple files in any Court

The Court case number[s] for any other criminal matters the Defendant has before any Court are:

- *[Court case number]*

The Applicant:

- ☐ will represent themselves at the hearing.
- ☐ will be represented at the hearing by the law firm filing this Application.
- ☐ will be represented at the hearing by: *[name, address and phone number of lawyer]*.

Additional details

Details of Proposed Address for Bail

Proposed address: *[address]*

Phone number at proposed address: *[phone number]*

Contact person at proposed address: *[full name]*

Relationship to the Applicant? e.g. mother *[relationship]*

Telephone Contact Number: *[phone number]*

The property is

- ☐ owned by the Applicant
- ☐ a Housing Trust property
- ☐ rented by the Applicant
- ☐ owned by someone else, namely: *[full name]*
- ☐ rented by someone else, namely: *[full name]*
- ☐ other, namely: *[details and full name]*

The current people living at the proposed address are:

1. *[full names]*

Proposed Guarantor[s] if applicable

Name: *[full name]*

Date of birth: *[dd/mm/yyyy]*

Address: *[address]*

Prepared to lodge cash surety in the amount of: \$.....

To the Prosecution: WARNING

If a date and time is set out at the top of this document, this Application will be considered at the hearing at that date and time.

If no date or time is set out at the top of this document, this Application will be considered at a hearing to be convened by the Court. You will receive a notice of hearing with details of the location, date and time of the hearing.

If this application is served more than 48 hours before the hearing date, you must file and serve a form 22 Prosecution Response to Bail Application within 48 hours of service.

If you wish to oppose the Application or make submissions about it, **you must go to the hearing**.

If you do not do so, the Court **may proceed without you being present**, and orders may be made **finally determining** this application without further warning.

Service

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

Accompanying documents

Accompanying this Application is a:

- ☐ Supporting Affidavit optional
- ☐ If other additional document(s) please list them below:

41. In Schedule 2, Form 21C – Interlocutory Application to Vary or Revoke Bail Agreement is deleted and substituted as follows:
Form 21C

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

INTERLOCUTORY APPLICATION TO VARY OR REVOKE BAIL AGREEMENT

Bail Act 1985 s 6(4)

[SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION

[FULL NAME]
Informant/R

v

[FULL NAME]
Defendant/Youth

Lodging party		
	<small>Party title</small>	<small>Full Name of party</small>
Name of law firm/office		
<small>If applicable</small>	<small>Law firm/office</small>	<small>Name of responsible Solicitor</small>
Name of authorised officer <small>If body corporate and no law firm/office</small>	<small>Full Name</small>	

Application details

The [Defendant/Youth] [full name]

- ☐ is charged with the charge(s) set out in the Information dated [date]
☐ has been convicted of the charge(s) being count number(s) in the Information dated [date]

The [Defendant/Youth] was granted bail on [date]

Complete the following if the Defendant has multiple files in any Court

The Court case number[s] for any other criminal matters the Defendant has before any other Court are:

- [Court case number]

Guarantor

☐ [full names of guarantors]

who is a Guarantor in respect of the Bail Agreement

- ☐ has not consented to this Application.
- ☐ consents to this Application as evidenced by eg letter or email from Guarantor [*details of evidence*]

Application

The applicant [*full name*], applies to the [*name of Court*] at [*Registry location*] to:

- ☐ vary the conditions of the Bail Agreement
- ☐ to vary the bail address.
- ☐ for permission to travel.
- ☐ [*other*]
- ☐ revoke the Bail Agreement.

Complete only if application being made to vary bail

If the Application is granted, the applicant would prefer to sign the varied Bail Agreement at [*Registry/Police location*].

Grounds of Application

Complete only if application is to vary bail address

This Application is made on the grounds that:

1. The applicant wishes to live at [*full address*] from [*date*].
2. If applicable The applicant's landlord at the new address would be [*full name*], whose telephone number is [*phone number*].
3. The applicant is seeking to change address because [*reason(s)*].

Complete only if application is 'for permission to travel'

This Application is made on the grounds that:

1. The applicant wishes to travel within Australia/overseas delete one between [*date*] and [*date*].
2. The applicant proposes to travel to the following destinations: location(s) and address(es) with corresponding dates
 - a.
3. The applicant is seeking to travel because [*reason(s)*].

Complete if application is 'other' variation of to 'revoke the Bail Agreement'

This Application is made on the grounds

- ☐ set out in the accompanying affidavit sworn by [*full name*] on [*date*].
- ☐ that: grounds in separately numbered paragraphs
1.
 2.

Proposed Address for Bail Variation

The Defendant/Youth [*is applying for home detention bail to the proposed address/is on home detention bail*]

- ☐ Yes
- ☐ No

Details of Proposed Address

Proposed address: [*address*]

Phone number at proposed address: [*phone number*]

Contact person at proposed address: *[full name]*

Relationship to the Applicant? e.g. mother *[relationship]*

The property is

- ☐ owned by the Applicant
- ☐ a Housing Trust property
- ☐ rented by the Applicant
- ☐ owned by someone else, namely: *[full name]*
- ☐ rented by someone else, namely: *[full name]*
- ☐ other, namely: *[details and full name]*

The current people living at the proposed address are:

2. *[full names]*

To the Other Parties: WARNING

If a date and time is set out at the top of this document, this Application will be considered at the hearing at that date and time.

If no date or time is set out at the top of this document, this Application will be considered at a hearing to be convened by the Court. You will receive a notice of hearing with details of the location, date and time of the hearing.

If you wish to oppose the Application or make submissions about it, **you must go to the hearing.**

If you do not do so, the Court **may proceed without you being present**, and orders may be made **finally determining** this application without further warning.

Service

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

If the Application is made by a Defendant/Youth the Application must be served on the prosecution and any Guarantors.

If the Application is made by the prosecution, the Application must be served on the Defendant/Youth and any Guarantors.

Accompanying Documents

Accompanying this Application is a

- ☐ Supporting Affidavit optional
- ☐ Evidence of consent of Guarantor if applicable
- ☐ If other additional document(s) please list them below:

--

42. In Schedule 2, Form 21D – Interlocutory Application to Vary or Revoke Guarantee of Bail is deleted and substituted as follows:

Form 21De

To be inserted by Court
Case Number:
Date Filed:
FDN:

Next box only displayed if Youth Court

Hearing Date and Time:
Hearing Location:

INTERLOCUTORY APPLICATION TO VARY OR REVOKE GUARANTEE OF BAIL

Bail Act 1985 s 7(4)

[SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION

[FULL NAME]
Informant/R

v

[FULL NAME]
Defendant/Youth

Lodging party	Guarantor		
	Party title	Full name of party	
Name of law firm/office			
If applicable	Law firm/office	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

Application

The [*Defendant/Youth*], Select one [*name*]

- ☐ is charged with the [*offence/offences*] Select one set out in the Information dated [*date*].
- ☐ has been convicted of the [*offence/offences*] Select one being count [*number(s)*] set out in the Information dated [*date*].

The [*Defendant/Youth*] was granted bail on [*date*].

The Guarantor applies to the [*name of Court*] at [*location*] to

- ☐ vary the terms of the Guarantee of Bail.
- ☐ revoke the Guarantee of Bail.

The Court case number[s] for any other criminal matters the Defendant has before any Court are:

- [*Court case number*]

Grounds of Application

This Application is made on the grounds

- ☐ set out in the accompanying Affidavit sworn by [*name*] on [*date*].
- ☐ that
- grounds in separately numbered paragraphs
1. [*grounds*]
 2. [*grounds*]

Accompanying Documents

Accompanying this Application is a

- ☐ Supporting Affidavit optional
- ☐ if applicable [*identify additional documents*]

To Other Parties: WARNING

Next paragraph only relevant to Youth Court

This Application will be considered at the hearing at the date and time set out at the top of this document.

Next paragraph only relevant if not Youth Court

This Application will be considered at a hearing to be convened by the Court. You will receive a notice of hearing with details of the location, date and time of the hearing.

If you wish to oppose the Application or make submissions about it, **you must go to the hearing.**

If you do not do so, the Court **may proceed in your absence** and orders may be made **finally determining** this application without further warning.

Service

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

43. In Schedule 2, Form 221 – Miscellaneous is deleted and substituted as follows:

Form 221

To be inserted by Court

Case Number:

Date Filed:

FDN:

[TITLE]

[SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT]

Select one COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

CASE NO:

[FULL NAME]

Informant/R

v

[FULL NAME]

Defendant/Youth

Lodging Party		
	Full Name	
Name of law firm/solicitor If any	Law Firm	Solicitor

[Substantive Title]

Substance of the form

Service

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

44. In Schedule 2, Form 174D – Order – Confirmation, Variation or Revocation of Part 8A Criminal Law Consolidation Act Order is deleted.

45. In Schedule 2, Form 174DA – Order – Confirmation, Variation or Revision of Part 8A Division 4 Criminal Law Consolidation Act Order is added as follows:

Form 174DA

To be inserted by Court

Case Number:

Date Signed:

FDN:

**ORDER – CONFIRMATION, VARIATION OR REVISION OF PART 8A
DIVISION 4 CRIMINAL LAW CONSOLIDATION ACT ORDER**

[SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT]

Select one COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

[FULL NAME]

Applicant

v

[FULL NAME]

Respondent

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date]

Hearing type:

Supreme and District Court only

[Actual hearing start time] - [Actual hearing end time]

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

Remarks

- ☐ (a) On [date][full name] [(‘the Defendant’)(‘the Youth’)] was declared liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935* by [name of judicial officer] in case [number].

- ☐ (b) On [date] a limiting term of [term] was fixed under section 269O(2) of the *Criminal Law Consolidation Act 1935*
- ☐ (c) On [date] a supervision order was made committing the [Defendant/Youth] to detention under section 269O(1)(b)(i) of the *Criminal Law Consolidation Act 1935*.
- ☐ (d) On [date] a supervision order was made releasing the [Defendant/Youth] on licence under section 269O(1)(b)(ii) of the *Criminal Law Consolidation Act 1935*.
- ☐ (e) On [date] an order was made releasing the [Defendant/Youth] on licence under section 269P of the *Criminal Law Consolidation Act 1935* in case [number].
- ☐ (f) On [date] an order was made [revoking and rereleasing/varying the terms of licence] under section 269P of the *Criminal Law Consolidation Act 1935* in case [number].
- ☐ (g) An application has been made to the Court for [variation/revocation/review] of the supervision order under section [269P/269U] of the *Criminal Law Consolidation Act 1935*.
- ☐ (h) [Other] provision for multiple

Order

Date of Order: [date]

Terms of Order

The Court orders that:

- ☐ 1. The present conditions of the Division 4 Supervision Order are confirmed under section [269P(1a)(a)/269U(2)(a)] of the *Criminal Law Consolidation Act 1935*.
- ☐ 2. The conditions of the Division 4 Supervision Order are varied under section [269P(1a)(b)/269U(2)(c)] of the *Criminal Law Consolidation Act 1935*. The amended conditions are set out below.
- ☐ 3. The Division 3A Order made by the Court on [date] is revoked under section 269NDA(3)(c) of the *Criminal Law Consolidation Act 1935* and the [Defendant/Youth] is declared liable to supervision under Division 4 Subdivision 2 with a limiting term fixed of [no of years] [no of months] starting on [date].
- ☐ 4. The Division 4 Supervision Order made by the Court on [date] is amended by revoking the order under section 269P(1a)(c) of the *Criminal Law Consolidation Act 1935* and substituting in its place the following order: [insert].
- ☐ 5. The Division 4 Supervision Order is amended so that it ceases to provide for release upon licence and instead commits the [Defendant/Youth] to detention until the Supervision Order is further varied by the Court, under section [269P(1a)(d)/269U(2)(b)] of the *Criminal Law Consolidation Act 1935*.
- ☐ 6. Under section 269P(1a) of the *Criminal Law Consolidation Act 1935* the [Defendant/Youth] be released on licence on the conditions set out below.
- ☐ 7. A report be prepared under section 269Q(2) of the *Criminal Law Consolidation Act 1935* and submitted to the Court on [date], and every twelve months thereafter during the limiting term, containing –
 - a. a statement of any treatment that the [Defendant/Youth] has undergone since the last report; and
 - b. any changes to the prognosis of the [Defendant/Youth]'s condition and the treatment plan for managing the condition.

- ☐ 8. If the Clinical Director ("the Director") of the South Australian Forensic Mental Health Services ("FHMS"), or a consultant psychiatrist nominated by him or her ("the nominee"), or the Presiding Member of the [Parole Board/Training Centre Review Board], or the Presiding Member's nominee, is of the opinion that:
- ☐ the [Defendant/Youth] has contravened, or is likely to contravene a condition of this order; or
 - ☐ the [Defendant/Youth] needs a level of security that cannot be provided by [name of unit/team] at [name of facility],
- that person is to immediately notify the prosecution of that opinion.
- If the prosecution is notified, the prosecution may immediately make an Application to this Court for a review of the Supervision Order under section 269U of the *Criminal Law Consolidation Act 1935*, which application, in cases of urgency, may be made at short notice. Select for orders 1-4
- ☐ 9. The [Defendant/Youth], the prosecution, the Presiding Member of the [Parole Board/Training Centre Review Board] or his or her nominee, the Public Advocate, the Commissioner for Victim's Rights and a person with a proper interest in the matter are at liberty to apply at any time at short notice to the other party to vary or revoke this order or to seek any other order under section 269P of the *Criminal Law Consolidation Act 1935*. Select for orders 1-4
- ☐ 10. [Other] option to enter free text, provision for multiple entries

Conditions of Licence

General

- ☐ 1. The [Defendant/Youth] must be of good behaviour and obey the conditions of this Order.

Supervision

- ☐ 2. Adult Only The [Defendant/Youth] be under the care of a responsible person ('the Supervising Officer') nominated by the Parole Board and the [Defendant/Youth] must obey their reasonable directions.
- ☐ 3. Adult Only The [Defendant/Youth] be supervised by a Department for Correctional Services Community Corrections Officer ('the Supervising Officer') and the [Defendant/Youth] must obey their reasonable directions about non-medical matters.
- ☐ 4. Youth Only The [Defendant/Youth] be supervised by a Women's and Children's Health Network – Child and Adolescent Mental Health Service Officer [and a Department of Human Services Youth Justice Officer] ('the Supervising Officer') and the [Defendant/Youth] must obey their reasonable directions about non-medical matters.
- ☐ 5. Adult Only The [Defendant/Youth] be under the care of the Clinical Director ('the Director') of the South Australian Forensic Mental Health Service ('the Service') or a consultant psychiatrist nominated by the Director ('the nominee'), and obey their reasonable directions about medical and psychiatric treatment and medication; and further that the [Defendant/Youth] be psychiatrically reviewed on a regular basis as directed by the Director or the nominee.
- ☐ 6. Youth Only The [Defendant/Youth] be under the care of the Clinical Director ('the Director') of the Women's and Children's Health Network – Child and Adolescent Mental Health Service ('the Service') or a consultant psychiatrist nominated by the Director ('the nominee'), and obey their reasonable directions about medical and psychiatric treatment and medication; and

further that the [Defendant/Youth] be psychiatrically reviewed on a regular basis as directed by the Director or the nominee.

- ☐ 7. If the Director or nominee thinks it appropriate, management of the treatment and monitoring of the [Defendant/Youth]'s mental health can be transferred to a key worker at one of the regional mental health teams closest to their place of residence, or any other designated service provider ('the nominee'), and they must obey their reasonable directions about the treatment and monitoring of their mental health.
- ☐ 8. If the Director or nominee thinks it appropriate, management of the treatment and monitoring of the [Defendant/Youth]'s mental health can be transferred to a local Community Mental Health Team, who shall case manage them in conjunction with the NDIS funded service provider [and a NDIS Aboriginal Cultural Advisor delete if not applicable] and they must obey their reasonable directions about the treatment and monitoring of their mental health.

Residence (place of living)

- ☐ 9. The [Defendant/Youth] must reside at an address nominated or approved by the Supervising Officer and must not change residence without prior approval from the Supervising Officer.
- ☐ 10. The [Defendant/Youth] must live at [name of facility and address] and must not to leave that facility unless authorised by the Director or the nominee. While they live at [name of facility], they must cooperate with the rehabilitation program.
- ☐ 11. The [Defendant/Youth] is allowed, at the discretion of the Director or nominee, periods of leave away from [name of facility] for medical treatment [or rehabilitation] approved by the Director or the nominee, but only if they are escorted at all times during such periods of leave by at least [number] staff member(s) employed or nominated by the Service.
- ☐ 12. The [Defendant/Youth] is allowed periods of accompanied and unaccompanied day and overnight leave away from [name of facility] for rehabilitation reasons, as approved by the Director or nominee.
- ☐ 13. After a period of successful overnight leave, the [Defendant/Youth], or the Director or the nominee may apply to the Court for a variation of these conditions so that they are discharged from [name of facility] to reside in the community. Such application may not be made for at least 6 months from the date of this Order.
- ☐ 14. The [Defendant/Youth] must stay at the required address [between the hours of [time] and [time]] and the [Defendant/Youth] must be at an entrance to that address if asked to by the Supervising Officer or a Police Officer, unless absent:
 - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to the [Defendant/Youth] or another; or
 - b. for any other reason approved by the Supervising Officer.
- ☐ 15. For a period of [no. of years/months/days] from the date of this Order the [Defendant/Youth] must stay at the approved place of residence [between the hours of [time] and [time]] and be at an entrance to that address if asked to by the Supervising Officer or a Police Officer, or any other person authorised to carry out a curfew check, unless absent:
 - a. for emergency medical or dental treatment; or
 - b. to avoid or reduce serious risk of death or injury to themselves or another; or
 - c. for any other reason approved by the Supervising Officer.
- ☐ 16. If an emergency requires the [Defendant/Youth] to move to another facility or address, they must not move until they have obtained the permission of a senior officer from the NDIS

funded service provider; and the senior officer of the NDIS funded service provider must advise the Court immediately of any change of residential address.

- ☐ 17. The [Defendant/Youth] must wear an electronic transmitter and obey the [Department for Correctional Services/Department of Human Services] rules of electronic monitoring, including charging the transmitter daily and any other lawful directions given to them by the Supervising Officer [or Parole Board].

Programs

- ☐ 18. The [Defendant/Youth]'s case be managed by the [name of unit/team] at [name of facility] and the [Defendant/Youth] must obey the reasonable directions of that team or any person authorised by that team to give such directions, particularly for going to appointments nominated by that team or the authorised person.
- ☐ 19. The [Defendant/Youth]'s case be managed by the Forensic Community Mental Health Team, [in conjunction with the NDIS funded service provider ~~delete if not applicable~~] [and a NDIS Aboriginal Cultural Advisor ~~delete if not applicable~~] and the [Defendant/Youth] must obey the reasonable directions of that team, particularly for going to appointments nominated by the team[s] [or advisor].
- ☐ 20. The [Defendant/Youth] must attend for assessment and, if assessed as suitable, go to and complete any:
- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
 - b. educational, vocational or recreational programs;
 - c. intervention program;
 - d. programs and projects,
- that the Supervising Officer [or Parole Board] reasonably directs.
- ☐ 21. The [Defendant/Youth] must obey the reasonable directions of the Supervising Officer and as recommended by the NDIS funded service provider with respect to:
- a. counselling;
 - b. psychological treatment;
 - c. going to rehabilitation assessments;
 - d. vocational or occupational programs;
 - e. drug and alcohol rehabilitation programs.
- ☐ 22. The [Defendant/Youth] must be referred to a clinical psychologist for cognitive-behavioural therapy to assist, particularly in the area of anxiety management and treatment.
- ☐ 23. The [Defendant/Youth] must obey in every respect any treatment plan prepared or directed by the Supervising Officer [or the Director or nominee].
- ☐ 24. The [Defendant/Youth] must continue to receive their medication current at the date of this Order. No alteration or reduction of that medication is allowed without the prior approval of the Director or the nominee.
- ☐ 25. The [Defendant/Youth] must submit to random blood screening at the direction of the Director or the nominee, to ensure that medication is taken as prescribed.

Drugs and Alcohol

- ☐ 26. The [Defendant/Youth] must not use, possess (have), or consume:
- a. alcohol

- b. any drug, including any narcotic or psychotropic drug, that is not prescribed by a medical doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage

- c. [other]

and the [Defendant/Youth] must have any tests that are needed to check if they are obeying these orders as directed by the Supervising Officer [or Parole Board].

The [Defendant/Youth] must sign all needed forms and obey all of the testing procedures.

Firearms

- ☐ 27. The [Defendant/Youth] is prohibited from possessing a firearm (gun of any sort), ammunition (both within the meaning of the *Firearms Act 2015*) or any part of a firearm.
- ☐ 28. The [Defendant/Youth] must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by the Supervising Officer or a member of the South Australian Police.
- ☐ 29. The [Defendant/Youth] must hand in any firearm, ammunition or any part of a firearm owned or possessed by them as soon as possible at a Police Station.

Offensive Weapons

- ☐ 30. The [Defendant/Youth] must not possess an offensive weapon unless the Court permits them to possess such a weapon and they comply with the terms and conditions of the permission.

Association

- ☐ 31. The [Defendant/Youth] must not go to or stay within [description of location or area, including boundaries] unless they:
 - a. are with a person approved by the Supervising Officer or
 - b. have permission beforehand from the Supervising Officer.
- ☐ 32. The [Defendant/Youth] must not go to or stay within [the following locations or areas/the locations or areas delineated on Map(s) [x] annexed and bordered by the following roads]:
 - [description of location(s) or area(s), including boundaries/roads]other than for the reasons of:
 - attending educational, recreational or therapeutic programs as directed by the [Defendant/Youth]'s Supervising Officer;
 - passing through continuously on public or private transport;
 - visiting [insert place/address].
- ☐ 33. The [Defendant/Youth] must not go to or stay within the [the following locations or areas/the locations or areas delineated on Map(s) [x] annexed and bordered by the following roads]:
 - [description of location(s) or area(s), including boundaries/roads]a. on any day other than one specific day per [week/fortnight/month/year] that day being [i.e. first day of each month]; and
 - b. other than for the reasons of:
 - attending educational, recreational or therapeutic programs as directed by the [Defendant/Youth]'s Supervising Officer;
 - passing through continuously on public or private transport;
 - visiting [insert place/address].

- ☐ 34. Despite the terms of this Order, the [Defendant/Youth] is allowed to:
 - a. travel on but not stop on [list roads];
 - b. enter or stop on [insert place/address] to catch public transport.
- ☐ 35. The [Defendant/Youth] must not directly or indirectly approach, communicate with, contact, or go or stay within [number] metres of [person(s) and/or class(es) of persons].
- ☐ 36. The [Defendant/Youth] must not directly or indirectly contact, attempt to contact, associate with, go near or stay near a child or person under the age of [number] years unless they are with a person approved by the Supervising Officer.

The [Defendant/Youth] must sign all required forms and obey the directions of the Supervising Officer about the choice and approval of the approved person.

For the avoidance of doubt, this condition does not prohibit contact where it is necessary and incidental to the [Defendant/Youth] performing essential activities of daily living, for example, shopping at a supermarket.
- ☐ 37. The [Defendant/Youth] must not go or stay within [500 metres (half a kilometre)/other distance] of any school, kindergarten, childcare centre, playground, public toilet or other places where children are regularly present.
- ☐ 38. The [Defendant/Youth] must not go or stay within [number] metres of the boundary of any place where [name] may live or work.
- ☐ 39. The [Defendant/Youth] must not do any child related work, including paid or voluntary work with people under 18 years old or participation in organisations which provide recreational, social, educational or other services to people of that age, and must not apply for child related work except [specify exception(s)].
- ☐ 40. The [Defendant/Youth] must not assault, harass, threaten or intimidate [name].
- ☐ 41. The [Defendant/Youth] must obey the terms of any active Intervention Order.

Internet and Communication

- ☐ 42. The [Defendant/Youth] must not possess (have) any telephone, mobile phone, computer or other telecommunication device that lets them communicate with any other person, including on the internet, or freely browse or search on the internet except [specify device(s)] and providing they have permission beforehand from the Supervising Officer.

Transitional Plan

- ☐ 43. For the initial period of release on licence the [Defendant/Youth] must obey stages [x] and [x] of the transitional plan set out in the report and attachment of [name of report writer] dated [date] attached and marked "[x]".
- ☐ 44. At the end of stage [x] of the transitional plan a report must be prepared for the Court by [name of report writer] to advise the Court as to the success or otherwise of the transition plan. At that point, an application may be made to vary the Supervision Order to implement further stages of the transition plan.
- ☐ 45. At any point, the transitional plan can be suspended by the Director or the nominee and the matter be brought back to Court for further consideration.
- ☐ 46. An activity plan must be prepared each week detailing the [Defendant/Youth]'s proposed leave arrangement. A copy of this plan is then to be emailed each week to the nominated South Australian Police liaison officer.

- ☐ 47. The [Defendant/Youth] must obey every part of any NDIS Accommodation and/or Support Plan prepared for the [Defendant/Youth].

Travel

- ☐ 48. The [Defendant/Youth] must not leave or attempt to leave South Australia for any reason without obtaining the written approval of the Supervising Officer at least seven (7) days prior to travel.
- ☐ 49. The [Defendant/Youth] must not drive, purchase, possess (have) or sit in the driver's seat of a motor vehicle [for a period of no. of years/months/weeks/days].
- ☐ 50. The [Defendant/Youth] must tell the Supervising Officer in advance of an intention to travel in any motor vehicle, including private or public transport.
- ☐ 51. The [Defendant/Youth] must give up any passport they have to the Registrar of the [Court] at [location] and must not apply for a new passport.
- ☐ 52. The [Defendant/Youth] must not enter any point of international departure such as an airport or seaport. selecting this option will tell the Australian Federal Police

Other Conditions

- ☐ 53. [Other conditions] option to enter free text, provision for multiple entries

To the [Defendant/Youth]: WARNING

If you fail to obey the conditions of this order, **the order may be revoked and you may be ordered to serve the balance of the limiting term in custody.**

You have a right under section 269P of the *Criminal Law Consolidation Act 1935* to apply to vary or revoke the order.

Nothing in this licence affects other powers of treatment or detention including powers under the *Mental Health Act 2009*.

To the Responsible Person

If the Clinical Director ("the Director") of the South Australian Forensic Mental Health Services ("FHMS"), or a consultant psychiatrist nominated by him or her ("the nominee"), or the Presiding Member of the Parole Board, or the Presiding Member's nominee, is of the opinion that the [Defendant/Youth] has contravened, or is likely to contravene a condition of this order, that person is to immediately notify the prosecution of that opinion.

If the prosecution is notified, the prosecution may immediately make an application to this Court for a review of the Supervision Order which, in cases of urgency, may be made at short notice.

Authentication

.....
Signature of Court Officer
[title and name]

Acknowledgement by [Defendant/Youth]

I acknowledge that I have received a copy of this order.

- ☐ I understand its conditions and I understand what will happen if I fail to comply with these conditions.

.....
Signature of [Defendant/Youth]

.....
Name printed

Witness

.....
Signature of authorised witness

witness must be the Judicial Officer making order, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the [Defendant/Youth] is in a training centre, the person in charge of a prison if the [Defendant/Youth] is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is Judicial Officer making order

.....
Printed name and title of witness stamp here if applicable

.....
Date

46. In Schedule 2, Form 174DB – Order – Confirmation, Variation or Revision of Part 8A Division 3A Criminal Law Consolidation Act Order is added as follows:

Form 174DB**To be inserted by Court**

Case Number:

Date Signed:

FDN:

**ORDER – CONFIRMATION, VARIATION OR REVISION OF PART 8A
DIVISION 3A CRIMINAL LAW CONSOLIDATION ACT ORDER**

[SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT]

Select one COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

[FULL NAME]

Applicant

v

[FULL NAME]

Respondent

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date]

Hearing type:

Supreme and District Court only

[Actual hearing start time] - [Actual hearing end time]

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

Remarks

- ☐ (a) On [date] an order was made releasing [full name] [('the Defendant')/('the Youth')] on licence under section 269NB(2)(c) of the *Criminal Law Consolidation Act 1935* for a term of [term] ('the licence term').
- ☐ (b) On [date] an order was made varying the terms of licence under section 269ND of the *Criminal Law Consolidation Act 1935* in case [number].
- ☐ (c) An application has been made to the Court for [variation/revocation/review] of the Division 3A order under section [269ND/269NDA] of the *Criminal Law Consolidation Act 1935*.
- ☐ (d) [Other] provision for multiple

Order

Date of Order: [date]

Terms of Order

The Court orders that:

- ☐ 1. The application to [vary/revoke] the Division 3A Order is dismissed under section 269ND of the *Criminal Law Consolidation Act 1935*.
- ☐ 2. The present conditions of the Division 3A Order are confirmed under section 269NDA(3)(a) of the *Criminal Law Consolidation Act 1935*.
- ☐ 3. The application to [vary/revoke] the Division 3A Order is granted under section 269ND of the *Criminal Law Consolidation Act 1935*. The conditions of the Division 3A Order are varied. The amended conditions are set out below.
- ☐ 4. The conditions of the Division 3A Order are varied under section 269NDA(3)(b) of the *Criminal Law Consolidation Act 1935*. The amended conditions are set out below.
- ☐ 5. If the Clinical Director ("the Director") of the South Australian Forensic Mental Health Services ("FHMS"), or a consultant psychiatrist nominated by him or her ("the nominee"), or the Presiding Member of the [Parole Board/Training Centre Review Board] or the Presiding Member's nominee is of the opinion that the [Defendant/Youth] has contravened or is likely to contravene a condition of this order, that person is immediately to notify the prosecution of that opinion.

If the prosecution is notified, the prosecution may immediately make an Application to this Court for review of this order under section 269NDA of the *Criminal Law Consolidation Act 1935* which application, in cases of urgency, may be made at short notice.
- ☐ 6. The [Defendant/Youth], the prosecution, the Presiding Member of the [Parole Board/Training Centre Review Board] or his or her nominee, the Public Advocate and a person with a proper interest in the matter are at liberty to apply at any time at short notice to the other party to vary or revoke this order or to seek any other order under section 269ND of the *Criminal Law Consolidation Act 1935*.
- ☐ 7. [Other] option to enter free text, provision for multiple entries

Conditions of Licence

General

- ☐ 1. The [Defendant/Youth] must be of good behaviour and obey the conditions of this Order.

Supervision

- ☐ 2. **Adult Only** The [Defendant/Youth] be under the care of a responsible person ('the Supervising Officer') nominated by the Parole Board and the [Defendant/Youth] must obey their reasonable directions.
- ☐ 3. **Adult Only** The [Defendant/Youth] be supervised by a Department for Correctional Services Community Corrections Officer ('the Supervising Officer') and the [Defendant/Youth] must obey their reasonable directions about non-medical matters.
- ☐ 4. **Youth Only** The [Defendant/Youth] be supervised by a Women's and Children's Health Network – Child and Adolescent Mental Health Service Officer [and a Department of Human Services Youth Justice Officer] ('the Supervising Officer') and the [Defendant/Youth] must obey their reasonable directions about non-medical matters.
- ☐ 5. **Adult Only** The [Defendant/Youth] be under the care of the Clinical Director ('the Director') of the South Australian Forensic Mental Health Service ('the Service') or a consultant psychiatrist nominated by the Director ('the nominee'), and obey their reasonable directions about medical and psychiatric treatment and medication; and further that the [Defendant/Youth] be psychiatrically reviewed on a regular basis as directed by the Director or the nominee.
- ☐ 6. **Youth Only** The [Defendant/Youth] be under the care of the Clinical Director ('the Director') of the Women's and Children's Health Network – Child and Adolescent Mental Health Service ('the Service')

or a consultant psychiatrist nominated by the Director ('the nominee'), and obey their reasonable directions about medical and psychiatric treatment and medication; and further that the [Defendant/Youth] be psychiatrically reviewed on a regular basis as directed by the Director or the nominee.

- ☐ 7. If the Director or nominee thinks it appropriate, management of the treatment and monitoring of the [Defendant/Youth]'s mental health can be transferred to a key worker at one of the regional mental health teams closest to their place of residence, or any other designated service provider ('the nominee'), and they must obey their reasonable directions about the treatment and monitoring of their mental health.
- ☐ 8. If the Director or nominee thinks it appropriate, management of the treatment and monitoring of the [Defendant/Youth]'s mental health can be transferred to a local Community Mental Health Team, who shall case manage them in conjunction with the NDIS funded service provider [and a NDIS Aboriginal Cultural Advisor **delete if not applicable**] and they must obey their reasonable directions about the treatment and monitoring of their mental health.

Residence (place of living)

- ☐ 9. The [Defendant/Youth] must reside at an address nominated or approved by the Supervising Officer and must not change residence without prior approval from the Supervising Officer.
- ☐ 10. The [Defendant/Youth] must live at [name of facility and address] and must not to leave that facility unless authorised by the Director or the nominee. While they live at [name of facility], they must cooperate with the rehabilitation program.
- ☐ 11. The [Defendant/Youth] is allowed, at the discretion of the Director or nominee, periods of leave away from [name of facility] for medical treatment [or rehabilitation] approved by the Director or the nominee, but only if they are escorted at all times during such periods of leave by at least [number] staff member(s) employed or nominated by the Service.
- ☐ 12. The [Defendant/Youth] is allowed periods of accompanied and unaccompanied day and overnight leave away from [name of facility] for rehabilitation reasons, as approved by the Director or nominee.
- ☐ 13. After a period of successful overnight leave, the [Defendant/Youth], or the Director or the nominee may apply to the Court for a variation of these conditions so that they are discharged from [name of facility] to reside in the community. Such application may not be made for at least 6 months from the date of this Order.
- ☐ 14. The [Defendant/Youth] must stay at the required address [between the hours of [time] and [time]] and the Defendant must be at an entrance to that address if asked to by the Supervising Officer or a Police Officer, unless absent:
 - c. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to the [Defendant/Youth] or another; or
 - d. for any other reason approved by the Supervising Officer.
- ☐ 15. For a period of [no. of years/months/days] from the date of this Order the [Defendant/Youth] must stay at the approved place of residence [between the hours of [time] and [time]] and be at an entrance to that address if asked to by the Supervising Officer or a Police Officer, or any other person authorised to carry out a curfew check, unless absent:
 - d. for emergency medical or dental treatment; or
 - e. to avoid or reduce serious risk of death or injury to themselves or another; or
 - f. for any other reason approved by the Supervising Officer.
- ☐ 16. If an emergency requires the [Defendant/Youth] to move to another facility or address, they must not move until they have obtained the permission of a senior officer from the NDIS funded service provider; and the senior officer of the NDIS funded service provider must advise the Court immediately of any change of residential address.
- ☐ 17. The [Defendant/Youth] must wear an electronic transmitter and obey the [Department for Correctional Services/Department of Human Services] rules of electronic monitoring, including charging the

transmitter daily and any other lawful directions given to them by the Supervising Officer [or *Parole Board*].

Programs

- ☐ 18. The [Defendant/Youth]'s case be managed by the [name of unit/team] at [name of facility] and the [Defendant/Youth] must obey the reasonable directions of that team or any person authorised by that team to give such directions, particularly for going to appointments nominated by that team or the authorised person.
- ☐ 19. The [Defendant/Youth]'s case be managed by the Forensic Community Mental Health Team, [in conjunction with the NDIS funded service provider **delete if not applicable**] [and a NDIS Aboriginal Cultural Advisor **delete if not applicable**] and the [Defendant/Youth] must obey the reasonable directions of that team, particularly for going to appointments nominated by the team[s] [or advisor].
- ☐ 20. The [Defendant/Youth] must attend for assessment and, if assessed as suitable, go to and complete any:
 - e. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
 - f. educational, vocational or recreational programs;
 - g. intervention program;
 - h. programs and projects,that the Supervising Officer [or *Parole Board*] reasonably directs.
- ☐ 21. The [Defendant/Youth] must obey the reasonable directions of the Supervising Officer and as recommended by the NDIS funded service provider with respect to:
 - f. counselling;
 - g. psychological treatment;
 - h. going to rehabilitation assessments;
 - i. vocational or occupational programs;
 - j. drug and alcohol rehabilitation programs.
- ☐ 22. The [Defendant/Youth] must be referred to a clinical psychologist for cognitive-behavioural therapy to assist, particularly in the area of anxiety management and treatment.
- ☐ 23. The [Defendant/Youth] must obey in every respect any treatment plan prepared or directed by the Supervising Officer [or the Director or nominee].
- ☐ 24. The [Defendant/Youth] must continue to receive their medication current at the date of this Order. No alteration or reduction of that medication is allowed without the prior approval of the Director or the nominee.
- ☐ 25. The [Defendant/Youth] must submit to random blood screening at the direction of the Director or the nominee, to ensure that medication is taken as prescribed.

Drugs and Alcohol

- ☐ 26. The [Defendant/Youth] must not use, possess (have), or consume:
 - d. alcohol
 - e. any drug, including any narcotic or psychotropic drug, that is not prescribed by a medical doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
 - f. [other]

and the [Defendant/Youth] must have any tests that are needed to check if they are obeying these orders as directed by the Supervising Officer [or *Parole Board*].

The [Defendant/Youth] must sign all needed forms and obey all of the testing procedures.

Firearms

- ☐ 27. The [Defendant/Youth] is prohibited from possessing a firearm (gun of any sort), ammunition (both within the meaning of the *Firearms Act 2015*) or any part of a firearm.
- ☐ 28. The [Defendant/Youth] must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by the Supervising Officer or a member of the South Australian Police.
- ☐ 29. The [Defendant/Youth] must hand in any firearm, ammunition or any part of a firearm owned or possessed by them as soon as possible at a Police Station.

Offensive Weapons

- ☐ 30. The [Defendant/Youth] must not possess an offensive weapon unless the Court permits them to possess such a weapon and they comply with the terms and conditions of the permission.

Association

- ☐ 31. The [Defendant/Youth] must not go to or stay within [*description of location or area, including boundaries*] unless they:
 - c. are with a person approved by the Supervising Officer or
 - d. have permission beforehand from the Supervising Officer.
- ☐ 32. The [Defendant/Youth] must not go to or stay within [*the following locations or areas/the locations or areas delineated on Map(s) [x] annexed and bordered by the following roads*]:
 - [*description of location(s) or area(s), including boundaries/roads*]
 other than for the reasons of:
 - attending educational, recreational or therapeutic programs as directed by the Defendant's Supervising Officer;
 - passing through continuously on public or private transport;
 - visiting [*insert place/address*].
- ☐ 33. The [Defendant/Youth] must not go to or stay within the [*the following locations or areas/the locations or areas delineated on Map(s) [x] annexed and bordered by the following roads*]:
 - [*description of location(s) or area(s), including boundaries/roads*]
 - c. on any day other than one specific day per [*week/fortnight/month/year*] that day being [*i.e. first day of each month*]; and
 - d. other than for the reasons of:
 - attending educational, recreational or therapeutic programs as directed by the Defendant's Supervising Officer;
 - passing through continuously on public or private transport;
 - visiting [*insert place/address*].
- ☐ 34. Despite the terms of this Order, the Defendant is allowed to:
 - c. travel on but not stop on [*list roads*];
 - d. enter or stop on [*insert place/address*] to catch public transport.
- ☐ 35. The [Defendant/Youth] must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*].
- ☐ 36. The [Defendant/Youth] must not directly or indirectly contact, attempt to contact, associate with, go near or stay near a child or person under the age of [*number*] years unless they are with a person approved by the Supervising Officer.

The [Defendant/Youth] must sign all required forms and obey the directions of the Supervising Officer about the choice and approval of the approved person.

For the avoidance of doubt, this condition does not prohibit contact where it is necessary and incidental to the [Defendant/Youth] performing essential activities of daily living, for example, shopping at a supermarket.

- ☐ 37. The [Defendant/Youth] must not go or stay within [500 metres (half a kilometre)/other distance] of any school, kindergarten, childcare centre, playground, public toilet or other places where children are regularly present.
- ☐ 38. The [Defendant/Youth] must not go or stay within [number] metres of the boundary of any place where [name] may live or work.
- ☐ 39. The [Defendant/Youth] must not do any child related work, including paid or voluntary work with people under 18 years old or participation in organisations which provide recreational, social, educational or other services to people of that age, and must not apply for child related work except [specify exception(s)].
- ☐ 40. The [Defendant/Youth] must not assault, harass, threaten or intimidate [name].
- ☐ 41. The [Defendant/Youth] must obey the terms of any active Intervention Order.

Internet and Communication

- ☐ 42. The [Defendant/Youth] must not possess (have) any telephone, mobile phone, computer or other telecommunication device that lets them communicate with any other person, including on the internet, or freely browse or search on the internet except [specify device(s)] and providing they have permission beforehand from the Supervising Officer.

Transitional Plan

- ☐ 43. For the initial period of release on licence the [Defendant/Youth] must obey stages [x] and [x] of the transitional plan set out in the report and attachment of [name of report writer] dated [date] attached and marked "[x]".
- ☐ 44. At the end of stage [x] of the transitional plan a report must be prepared for the Court by [name of report writer] to advise the Court as to the success or otherwise of the transition plan. At that point, an application may be made to vary the Supervision Order to implement further stages of the transition plan.
- ☐ 45. At any point, the transitional plan can be suspended by the Director or the nominee and the matter be brought back to Court for further consideration.
- ☐ 46. An activity plan must be prepared each week detailing the [Defendant/Youth]'s proposed leave arrangement. A copy of this plan is then to be emailed each week to the nominated South Australian Police liaison officer.
- ☐ 47. The [Defendant/Youth] must obey every part of any NDIS Accommodation and/or Support Plan prepared for the Defendant.

Travel

- ☐ 48. The [Defendant/Youth] must not leave or attempt to leave South Australia for any reason without obtaining the written approval of the Supervising Officer at least seven (7) days prior to travel.
- ☐ 49. The [Defendant/Youth] must not drive, purchase, possess (have) or sit in the driver's seat of a motor vehicle [for a period of no. of years/months/weeks/days].
- ☐ 50. The [Defendant/Youth] must tell the Supervising Officer in advance of an intention to travel in any motor vehicle, including private or public transport.
- ☐ 51. The [Defendant/Youth] must give up any passport they have to the Registrar of the [Court] at [location] and must not apply for a new passport.
- ☐ 52. The [Defendant/Youth] must not enter any point of international departure such as an airport or seaport. **selecting this option will tell the Australian Federal Police**

Other Conditions

- ☐ 53. [Other conditions] **option to enter free text, provision for multiple entries**

To the Defendant: WARNING

If you fail to obey the conditions of this order, **the order may be revoked and you may be ordered to serve the balance of the licence term in custody.**

You have a right under section 269ND of the *Criminal Law Consolidation Act 1935* to apply to vary or revoke the order.

Nothing in this licence affects other powers of treatment or detention including powers under the *Mental Health Act 2009*.

To the Responsible Person

If you consider that these conditions need variation or upon becoming aware of any breach of these licence conditions by the [Defendant/Youth], the [Defendant/Youth] needs to be arrested, the responsible person must immediately inform the South Australian Police (prosecution section) and apply to the Court for an order as the circumstances require.

Authentication

.....

Signature of Court Officer

[title and name]

Acknowledgement by Defendant

I acknowledge that I have received a copy of this order.

- ☐ I understand its conditions and I understand what will happen if I fail to comply with these conditions.

.....
Signature of [*Defendant/Youth*]

.....
Name printed

Witness

.....
Signature of authorised witness

witness must be the Judicial Officer making order, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the [*Defendant/Youth*] is in a training centre, the person in charge of a prison if the [*Defendant/Youth*] is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is Judicial Officer making order

.....
Printed name and title of witness stamp here if applicable

.....
Date

In accordance with the Supreme Court Act 1935, the District Court Act 1991, the Environment, Resources and Development Court Act 1993, the Magistrates Court Act 1991 and the Youth Court Act 1993, and all other enabling powers, the Joint Criminal (No 2) Amending Rules 2023 have been made –

- as rules of the Supreme Court by 3 or more Judges of the Supreme Court; and
- as rules of the District Court by the Chief Judge and 2 or more other Judges of that Court; and
- as rules of the Magistrates Court by the Chief Magistrate and 2 or more other Magistrates; and
- as rules of the Environment, Resources and Development Court by the Senior Judge and 1 other Judge; and
- as rules of the Youth Court by the Judge and the magistrates who are members of the principal judiciary of that Court,

and such rules will apply to and in relation to the Court in accordance with their terms.

Dated: 6 June 2023

CHIEF JUSTICE KOURAKIS
CHIEF JUDGE EVANS
SENIOR JUDGE DURRANT
ACTING CHIEF MAGISTRATE DIXON
JUDGE ELDRIDGE

SUPREME COURT ACT 1935
DISTRICT COURT ACT 1991
MAGISTRATES COURT ACT 1991
YOUTH COURT ACT 1993
SOUTH AUSTRALIA

Uniform Civil (No 9) Amending Rules 2023

By virtue and in pursuance of the Supreme Court Act 1935, the District Court Act 1991, the Youth Court Act 1993 and the Magistrates Court Act 1991, and all other enabling powers, we, the Chief Justice of the Supreme Court, the Chief Judge of the District Court, the Judge of the Youth Court and the Chief Magistrate of the Magistrates Court, make the following Uniform Civil (No 9) Amending Rules 2023.

1. These Rules may be cited as the Uniform Civil (No 9) Amending Rules 2023.
2. The Uniform Civil Rules 2020 (“the Rules”) are amended as set out below.
3. The amendments made by these rules come into effect on the later of—
 - (a) Monday 3 July 2023; or
 - (b) the date of their publication in the Gazette.
4. In these Rules, the commencement date means the date on which these rules come into effect under rule 3.
5. The preamble of the Rules is amended to substitute a comma for the word “and” after “District Court Act 1991” and to add the words “and Youth Court Act 1993” immediately after the words “Magistrates Court Act 1991”.
6. The preamble of the Rules is amended to substitute a comma for the word “and” after “District Court Act 1991” and to add the words “, Judge of the Youth Court” immediately after the words “Chief Magistrate of the Magistrates Court”.
7. The list of Acts under which the Rules are made immediately before the Table of Contents is amended to insert “Youth Court Act 1993” after “Magistrates Court Act 1991”.
8. Subrule 1.6(1) is amended to substitute a comma for the word “and” after “District Court” and to insert the words “and Youth Court” immediately after the words “Magistrates Court”.
9. The definition of Act in subrule 2.1(1) is amended to insert the following subparagraph immediately after subparagraph (c):

“(d) in the context of or in respect of the Youth Court—the Youth Court Act 1993;”.
10. The definition of Chief Judicial Officer in subrule 2.1(1) is amended to insert the following subparagraph immediately after subparagraph (c):

“(d) in respect of the Youth Court—the Judge of the Youth Court;”.
11. The definition of the Court in subrule 2.1(1) are amended to substitute a comma for the word “or” and to insert the words “or Youth Court” immediately after the words “Magistrates Court”.
12. The definition of excluded proceeding in subrule 2.1(1) at (c) is amended to substitute a comma for the word “or” and to insert the words “or Youth Court” immediately after the words “Magistrates Court”.
13. The definition of judicial officer in subrule 2.1(1) is amended to insert the following subparagraph immediately after subparagraph (c):

“(d) in respect of the Youth Court—the Judge, Auxiliary Judge or Judicial Registrar of the Court or a Registrar exercising power of the Court;”.
14. The definition of Previous Rules in subrule 2.1(1) is amended to insert the following “and the Local Government Court of Disputed Returns Rules 2000” in paragraph (b) immediately after “District Court Fast Track Supplementary Rules Adoption Rules 2014”.
15. The definition of a Registrar in subrule 2.1(1) is amended to insert the following subparagraph immediately after subparagraph (c):

“(d) in respect of the Youth Court—the Registrar, a Deputy Registrar, or a person acting as the Registrar or a Deputy Registrar of the Court;”.
16. The definition of the Registrar in subrule 2.1 is amended to insert the following subparagraph immediately after subparagraph (c):

“(d) in respect of the Youth Court—the Registrar of the Court and includes a person to whom a function of the Registrar has been delegated”.
17. Rule 61.14(1) is amended to insert the following “and a party requests the Principal Registrar to list the proceeding for a special directions hearing.” immediately after the words “pre-action meeting”.
18. A new subrule 61.15(3) is inserted immediately after subrule 61.15(2) as follows:

“(3) If the Court makes an order under subrule (2) that a party pay costs forthwith, the costs may be taxed and payment enforced despite the fact that steps in the proceeding are otherwise stayed.”.
19. Subrule 64.5(2)(d) is amended to insert the words “or filing a Notice of Discontinuance” after the words “from the moratorium)”.
20. Rule 217.6(2) is amended to substitute the words “at least 14 days” for the words “not less than 6 business days”.
21. Rule 217.6(3) is amended to substitute the words “at least 7 days” for the words “not less than 3 business days”.
22. Rule 217.6(4) is amended to substitute the words “at least 3 days” for the words “not less than 1 business day”.
23. Rule 218.2 is amended to substitute rule number “13.2(5)” for rule number “13.3(5)”.
24. Subrule 263.3(2) is amended to substitute the email address “chambers.chiefjustice@courts.sa.gov.au” for the email address “chiefjustice@courts.au”.
25. Rule 263.4 is amended to insert the heading “Part E: Complaint History” as the second paragraph and the following words:

“Disclose details in relation to any inappropriate workplace conduct complaints made to the Commissioner for Equal Opportunity, a professional association, manager of a workplace, managing partner at a law firm, head of chambers or any other body or person with authority to inquire into or deal with complaints about workplace conduct.”
26. Rule 263.4 is amended to insert the following paragraph immediately after subrule (1) in Part F: Referees:

“(2) The name of an instructing solicitor / referee that has briefed the applicant.”.
27. Rule 263.4 is amended to renumber paragraph (2) to paragraph (3) in Part F: Referees.

28. Rule 263.4 is amended to renumber paragraph (3) to paragraph (4) in Part F: Referees.
29. Rule 263.4 is amended to renumber paragraph (4) to paragraph (5) in Part F: Referees.
30. Subrule 263.6(1)(b) is amended to substitute the word “Justices” for “justices” immediately following the word “three”.
31. Chapter 21 is amended to insert a new Part 4 immediately after rule 283.5 as follows:

Part 4—Disputed returns

284.1—Interpretation

- (1) In this Part, unless the contrary intention appears—

Act means the Local Government (Elections) Act 1999.

- (2) In this Part, unless the contrary intention appears, in respect of a proceeding governed by this Part—

- (a) when the Act refers to a petitioner, a reference in these Rules to an applicant is to be understood as a reference to a petitioner;
- (b) when the Act refers to a petition, a reference in these Rules to an originating application – petition is to be understood as a reference to a petition;
- (c) when the Act refers to a reply, a reference in these Rules to a response – reply is to be understood as a reference to a reply.

284.2—Institution of proceeding

- (1) A proceeding under Part 13 of the Act must be instituted by filing an originating application – petition in the prescribed form in accordance with rule 82.1.

Prescribed form—

Form 2V Originating Application – Petition – Court of Disputed Returns

- (2) The applicant must join as respondents—

- (a) any person declared elected in the disputed action;
- (b) if it is alleged that the election is invalid on account of an act or omission of an electoral officer and the Electoral Commissioner was the returning officer— the Electoral Commissioner;
- (c) the relevant council.

- (3) An originating application – petition must be accompanied by a supporting affidavit in the prescribed form.

Prescribed forms—

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (4) A supporting affidavit must—

- (a) comprise evidence admissible at the final hearing of the originating application – petition; and
- (b) set out the facts on which the applicant relies in relation to the orders sought.

- (5) The application must be accompanied by payment into Court of the prescribed amount as security for costs in accordance with section 70(1)(e) of the Act.

Prescribed form—

Form 85 Notice of Payment into Court

284.3—Response

- (1) If a respondent proposes to contest the petition, they must, within the time fixed by subsection 70(3) of the Act, file a Response – Reply in the prescribed form.

Prescribed form—

Form 56A Response – Reply – Court of Disputed Returns

- (2) If a respondent wishes to rely on any facts in addition to or contrary to those relied on by the applicant, they must within the time for filing a response – reply file a responding affidavit in the prescribed form.

Prescribed forms—

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

- (3) A responding affidavit must—

- (a) comprise evidence admissible at the final hearing of the originating application; and
- (b) set out the facts on which the respondent relies in relation to the orders sought.

- (4) A respondent who files a response – reply must serve it as soon as practicable on each other party.

284.4—Further evidence by applicant

If an applicant wishes to rely on any facts in response to a responding affidavit, they must within 14 days after service of the responding affidavit file a reply affidavit in the prescribed form.

Prescribed forms—

Form 12 Affidavit

Form 14 Exhibit front sheet to Affidavit or Statutory Declaration

284.5—Court fees

Court fees payable in respect of a proceeding under this Part are to be the equivalent of the fees charged in the Administrative and Disciplinary Division.

32. In Schedule 7, Form 7C – Originating Application Ex Parte – Appointment of Senior Counsel is deleted and substituted as follows:

Form 7C

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:**Hearing Location:****ORIGINATING APPLICATION EX PARTE**

SUPREME COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

Please specify the Full Name of the Applicant.

First Applicant

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
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 - Number			

Part A: Formal ParticularsDate of birth: *[date]*Academic qualifications: *[name]* *[university/institution]* *[date of conferral]*Date and place of first admission as legal practitioner: *[date]* *[jurisdiction]*

Date and admission as legal practitioner in South Australia: *[date]*

Date of joining independent bar: *[date/not applicable]*

Year of first application for Senior Counsel: *[year/not applicable]*

Year of last application for Senior Counsel: *[year/not applicable]*

Part B: Areas of practice

Narrative description of Applicant's practice including main areas of practice and the courts or tribunals in which she or he predominantly practices.

Part C: Details of recent cases — Detail multiple if applicable

(1) Substantial cases in last 18 months

Parties: *[name]*

Citation: *[citation/not applicable]*

Court: *[name]*

Judicial officer/arbitrator/mediator: *[name]*

Instructing solicitor: *[name]*

Counsel by whom led: *[name/not applicable]*

Counsel led by Applicant: *[name/not applicable]*

Opposing counsel: *[name]*

(2) Selected cases in the last 2 years

Brief precis of cases which evidence attainment of the standard of Senior Counsel (up to 10 cases).

Identification of case: *[identification]*

Precis: *[precis]*

Part D: Supporting submission

Reasons why Applicant is suitable for appointment as Senior Counsel addressing all the criteria set out in rule 332(2) including why cases referred to in Part C (2) evidence attainment of the standard of Senior Counsel.

Part E: Complaint history

Provide multiple entries where applicable.

(1) Complaints

Applicable: *[yes/no]*

Date of complaint: *[date]*

Name of complainant: *[name]*

Subject of complaint: *[summary of complaint]*

Complaint finalised: *[yes/no]*

Date of finalisation of complaint: *[date/not applicable]*

Body/person determining complaint: *[name/not applicable]*

Outcome of complaint: *[date/not applicable]*

(2) Offences

Applicable: *[yes/no]*

Date of conviction/finding of guilt: *[date]*

Court: *[name]*

Offence: *[name/section]*

Offence details: *[offence details]*

Outcome/penalty: *[date/not applicable]*

(3) Professional negligence findings

Applicable: *[yes/no]*

Date of finding: *[date]*

Court: *[name]*

Order: *[order]*

Type of negligence: *[type]*

Finding details: *[details]*

(4) Notifications to insurer

Applicable: *[yes/no]*

Date of notification: *[date]*

Name of claimant/potential claimant: *[name]*

Subject of claim/potential claim: *[summary of claim/potential claim]*

(5) Personal costs orders

Applicable: *[yes/no]*

Date of order: *[date]*

Court: *[name]*

Order: *[order]*

Ground for order: *[ground]*

Finding details: *[details]*

(6) Insolvency

Applicable: *[yes/no]*

Date of bankruptcy/personal insolvency agreement: *[date]*

Type: *[bankruptcy/personal insolvency agreement]*

Court making order: *[name/not applicable]*

Circumstances giving rise to insolvency order: *[circumstances]*

Discharged: *[yes/no]*

Date of discharge: *[date]*

Return to creditors: *[details]*

(7) Inappropriate Workplace Complaints

Applicable: *[yes/no]*

Date of complaint: *[date]*

Name of complainant: *[name]*

Subject of complaint: *[summary of complaint]*

Complaint finalised: *[yes/no]*

Date of finalisation of complaint: *[date/not applicable]*

(8) Any other relevant matters

Applicable: *[yes/no]*

Subject matter: *[subject]*

Details: *[details]*

Part F: Referees**(1) Judicial**

First referee: [name] [name of court/tribunal/other]

Second referee: [name] [name of court/tribunal/other]

Third referee: [name] [name of court/tribunal/other]

(2) Instructing Solicitor

Referee: [name] [firm]

(3) Non-judicial

First referee: [name] [description of role/position]

Second referee: [name] [description of role/position]

(4) Any additional referees Optional

Referee: [name] [description of role/position]

(5) Any references Optional

References are attached to this application: [yes/no]

Part G: Certification and acknowledgement

I certify that the information provided in this application is correct to the best of my knowledge and belief and that there are no other matters of which I am aware that may provide a reason why I should not be appointed Senior Counsel.

I acknowledge that the Chief Justice, the Court, the advisory committee and persons the advisory committee may consult may make enquiries of the persons referred to in the application and such other persons as it or they think fit in relation to my application. I authorise such enquiries to be made and acknowledge that it will be done on a confidential basis and that the information received from such enquiries and provided by such third parties is confidential as against me and I cannot require disclosure of it.

I agree to confidential enquiries being made of the Legal Profession Conduct Commissioner or any other regulatory body about any matter or circumstances, either past or anticipated that may adversely affect my fitness or propriety to hold an appointment as Senior Counsel. I agree that the Legal Profession Conduct Commissioner and any such other regulatory body as may be consulted may provide to the advisory committee and the Chief Justice, on a confidential basis, all information necessary to answer such enquiries.

I undertake to notify the Chief Justice in the event that any new matter arises that would be required to be disclosed in this application.

Accompanying Documents

Mark appropriate section below with an 'x'

Accompanying this Application is a:

[] Reference or references (optional)

33. In Schedule 7, a new Form 2V – Originating Application – Petition – Court of Disputed Returns is inserted as follows:

Form 2V

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

ORIGINATING APPLICATION – PETITION – COURT OF DISPUTED RETURNS

DISTRICT COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

Applicant

Respondent

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor <small>If any</small>	Law Firm	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 - Number			

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
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 - Number			
Service	[.....] Sheriff service requested for this Respondent If requested mark with an 'x'			

Duplicate panel if multiple Respondents

<p>Application Details</p> <p>Mark appropriate sections below with an 'x'</p> <p>Matter Type:</p> <p>This Application is made under Part 13 of the <i>Local Government (Elections) Act 1999</i></p> <p>The Applicant alleges:</p> <p>Set out in separate numbered paragraphs each of the facts relied on to invalidate the election:</p> <p>1.</p> <p>The Applicant seeks the following orders:</p> <p>Orders sought in separately numbered paragraphs.</p> <p>1.</p>
--

To the other parties: WARNING

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it:

- you **must attend the hearing** and

- you **must file and serve on all parties a Response - Reply within 14 days after service** of the Application and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must file and serve on all parties an Affidavit within 14 days after service** of the Application.

If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding (including as to costs) without further warning.

For instructions on how to file a response to an application and how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>.

Service

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

Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [.....] Multilingual Notice (mandatory)
- [.....] Supporting Affidavit (mandatory)
- [.....] Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)
- [.....] Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)
- [.....] Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)
- [.....] If other additional document(s) please list below:

Certification

As a [*candidate/elector*] at the election in dispute, I am responsible for filing this pleading.

.....

Signature

.....

Name printed

.....

Date

34. In Schedule 7, a new Form 56A – Response – Reply – Court of Disputed Returns is inserted as follows:

Form 56A

To be inserted by Court

Case Number:

Date Filed:

FDN:

RESPONSE – REPLY – COURT OF UNDISPUTED RETURNS

DISTRICT COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

Applicant

Respondent

Respondent				
Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
Name of law firm / solicitor				
If any	Law Firm	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 - Number			

Duplicate panel if multiple Parties

Service

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

RESPONSE**In answer to the petition the respondent relies on the following facts:**

Set out in separate numbers paragraphs each of the facts relied upon by the respondent

1.

The respondent seeks the following relief:

Set out any relief to which the respondent claims to be entitled

Signature

.....

Signature

.....

Name printed

.....

Date

35. In Schedule 7, Form 23 – Notice of Acting is deleted and substituted as follows:

Form 23**To be inserted by Court**

Case Number:

Date Filed:

FDN:

NOTICE OF ACTING

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Delete all but one COURT OF SOUTH AUSTRALIA

[*COURT OF APPEAL*] If applicable

CIVIL JURISDICTION

[*MINOR CIVIL*] If applicable

[*NAME OF LIST*] LIST If applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Party Title	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor If any	Law Firm	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 - Number		

Duplicate panel if multiple PartiesIf interstate principal law firm

Name of interstate principal law firm	Law Firm	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 - Number			

Notice of acting

Mark appropriate section below with an 'x'

[] The solicitor identified above now acts for the above named party in this case.

[] The party identified above now acts in person in this case.

Date:

Service

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

Parties or their solicitors are required to provide an email address for communications with the Court and with other parties unless the party does not have available and cannot reasonably obtain an email address.

36. In Schedule 7, Form 77 – Interlocutory Application is deleted and substituted as follows:

Form 77**To be inserted by Court**

Case Number:

Date Filed:

FDN:

Hearing Date and Time:**Hearing Location:****INTERLOCUTORY APPLICATION**

[~~SUPREME/DISTRICT/MAGISTRATES/YOUTH~~] Delete all but one COURT OF SOUTH AUSTRALIA

[~~COURT OF APPEAL~~] If applicable

CIVIL JURISDICTION

[~~MINOR CIVIL~~] If applicable

[~~NAME OF LIST~~] LIST If applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor If any	Law Firm	Solicitor

Application Details

Mark appropriate sections below with an 'x'

This Application is for
Nature of application in one sentence

If applicable

This Application is made under
Act and section or other particular provision

The above named party seeks the following orders:

Orders sought in separately numbered paragraphs

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by [full name] on [date].

If applicable

This application is urgent on the grounds set out in the accompanying affidavit sworn by [full name] on [date].

Delete unless applicable

This application is [by consent/not by consent]. If by consent Consent is evidenced by:

Delete unless applicable

This application is made ex parte because:
Grounds

To the other parties: WARNING

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the application or make submissions about it:

- **you must attend the hearing** and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must file and serve on all parties an affidavit at least 2 days before the hearing date** unless ordered otherwise.

If you do not do so, **orders may be made against you** without further warning including orders as to costs.

Service

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

Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying this Application is a:

- [] Supporting Affidavit (mandatory)
- [] If other additional document(s) please list them below:

Note to Parties

There are usually cost penalties for making an unsuccessful application or resisting a successful application.

37. In Schedule 7, Form 89 – Summary of Argument is deleted and substituted as follows:

Form 89

To be inserted by Court

Case Number:

Date Filed:

FDN:

SUMMARY OF ARGUMENT OF [PARTY TITLE]

[~~SUPREME/DISTRICT/MAGISTRATES/YOUTH~~] Delete all but one COURT OF SOUTH AUSTRALIA
 [COURT OF APPEAL] If applicable
 CIVIL JURISDICTION
 [MINOR CIVIL] If applicable
 [NAME OF LIST] LIST If applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant/Appellant

First Respondent

First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor If any	Law Firm	Solicitor

Summary of Argument

[submissions]

Interlocutory Application: [date and FDN]

Affidavits relied upon: [deponent, date and FDN] Provision for multiple

Accompanying Documents

Mark with an 'x' if applicable

Accompanying this summary of argument is:

[] [identify additional documents]

38. In Schedule 7, Form 90 – Written Submissions is deleted and substituted as follows:

Form 90

To be inserted by Court

Case Number:

Date Filed:

FDN:

WRITTEN SUBMISSIONS OF [PARTY TITLE]

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Delete all but one COURT OF SOUTH AUSTRALIA

[*COURT OF APPEAL*] If applicable

CIVIL JURISDICTION

[*MINOR CIVIL*] If applicable

[*NAME OF LIST*] LIST If applicable

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant/Appellant

First Respondent

First Interested Party

Lodging Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor If any	Law Firm	Solicitor

Written Submissions

[*submissions*]

Interlocutory Application: [*date and FDN*]

Affidavits relied upon: [*deponent, date and FDN*] Provision for multiple

Accompanying Documents

Mark with an 'x' if applicable

Accompanying these submissions is:

[] [*identify additional documents*]

In accordance with the Supreme Court Act 1935, the District Court Act 1991, the Magistrates Court Act 1991 and the Youth Court Act 1993 and all other enabling powers, the Uniform Civil (No 9) Amending Rules 2023 have been made –

- as rules of the Supreme Court by 3 or more Judges of the Supreme Court; and
- as rules of the District Court by the Chief Judge and 2 or more other Judges of that Court; and
- as rules of the Magistrates Court by the Chief Magistrate and 2 or more other Magistrates,
- as rules of the Youth Court by the Judge and the magistrates who are members of the principal judiciary of that Court,

and such rules will apply to and in relation to the Court in accordance with their terms.

Dated: 6 June 2023

CHIEF JUSTICE KOURAKIS
CHIEF JUDGE EVANS
ACTING CHIEF MAGISTRATE DIXON
JUDGE ELDRIDGE

SUPREME COURT ACT 1935
DISTRICT COURT ACT 1991
MAGISTRATES COURT ACT 1991
YOUTH COURT ACT 1993
SOUTH AUSTRALIA

Uniform Special Statutory (No 1) Amending Rules 2023

By virtue and in pursuance of the Supreme Court Act 1935, the District Court Act 1991, the Magistrates Court Act 1991 and the Youth Court Act 1993, and all other enabling powers, we, the Chief Justice of the Supreme Court, the Chief Judge of the District Court, the Chief Magistrate of the Magistrates Court, and the Judge of the Youth Court make the following Uniform Special Statutory (No 1) Amending Rules 2023.

1. These Rules may be cited as the Uniform Special Statutory (No 1) Amending Rules 2023.
2. The Uniform Special Statutory Rules 2022 are amended as set out below.
3. The amendments made by these rules come into effect on the later of—
 - (a) Monday 3 July 2023; or
 - (b) the date of their publication in the Gazette.
4. The definition of Previous Rules in subrule 2.1(1) is amended to insert “and Youth Court (Care and Protection) Rules 2018” immediately after “Youth Court (General) Rules 2016” in subrule (c).
5. Rule 6.1(2) Notes is amended to substitute the number “6” for “5” in the first paragraph.
6. Rule 6.1(2) Notes is amended to include a comma and the words “the Nunga Court” immediately following the word “Criminal” in the first paragraph.
7. A new subrule 83.1(9) is added after subrule (8) as follows:

“(9) Despite subrule (6), an application for special arrangements for taking of evidence from a witness under section 29 of the Act may be made by interlocutory application in accordance with rule 86.3.”
8. In rule 86.3(1)(c) the word “or” is deleted.
9. In rule 86.3(1)(d) “; or” is added immediately after the word “parties”
10. In subrule 86(1) a new paragraph (e) is added immediately after paragraph (d) as follows:

“(e) an application for an order that special arrangements be made for taking evidence under section 29 of the Act (other than when such an application is made under rule 83.1(6)).”
11. Rule 350.3 is renumbered to 350.4
12. New rule 350.3 is inserted immediately after 350.2 as follows:

350.3—Service

 - (1) The Originating Application and supporting documents must be served on all other parties at least 7 days before the hearing.
 - (2) If the Originating Application and supporting documents have not been served on all other parties at least 7 days before the hearing, the Court will not make a discharge order at the hearing and will adjourn the hearing to a future date.
13. In Schedule 1, Form 1Q – Originating Application – Licence Disqualification or Suspension (Lift or Reduce) is deleted and substituted as follows:

Form 1Q

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

ORIGINATING APPLICATION - LICENCE DISQUALIFICATION OR SUSPENSION (LIFT OR REDUCE)

Road Traffic Act 1961 s 45E or s 47IAB[MAGISTRATES/YOUTH] select one COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]**Applicant****COMMISSIONER OF POLICE****Respondent**

Duplicate panel if multiple Applicants

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)	

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

Application Details
Matter type:

This Application is to [*lift or reduce*] the immediate [*disqualification/suspension*] of the Applicant's licence under the Notice identified below.

This Application is made under section [45E/47IAB] of the *Road Traffic Act 1961*.

[YOUTH] In the case of a youth, this application is made under section 28(2) of the *Young Offenders Act 1993*.

The Applicant seeks the following orders:

Orders sought in addition to, or in place of, the orders made in separate numbered paragraphs

- ☐ 1. The [*Applicant is not disqualified/Applicant's driver's licence is not suspended*], as there is a reasonable prospect that the Applicant would be acquitted of the offence.
- ☐ 2. The [*disqualification/suspension*] be reduced, as the offence is a first offence and was trifling.
- ☐ 3. The [*disqualification/suspension*] be reduced, as there is a reasonable prospect that the Applicant would be acquitted of a Category 3 offence, but may be guilty of a Category 2 offence.
- ☐ 4. The [*Applicant is not disqualified/Applicant's driver's licence is not suspended*], as the Applicant has not been charged with any offence to which section 45D applies and the prosecution authorities have had a reasonable time in the circumstances to make a determination as to the laying of charges.
- ☐ 5. [*other*].

This Application is made on the grounds:

grounds in separately numbered paragraphs

- ☐ 1. The blood test taken on [*time*] on the day of [*date*], with the result of [*percentage*].
- ☐ 2. The opinion of Doctor [*full name*] on the day of [*date*].
- ☐ 3. The Applicant has not received an Information charging them with any offence which relates to the Notice of [*Disqualification/Suspension*].
- ☐ 4. The Applicant has not received a notice from the Registrar of Motor Vehicles containing particulars of licence disqualification/suspension.
- ☐ 5. [*other*].

If applicable

The Application is urgent because

grounds in separately numbered paragraphs where more than one

1.

Particulars of Notice of [*Disqualification/Suspension*]

Date of Notice

date

Date of the commencement of the
Notice

date

Disqualification Notice number

number

Brief number

number

The Applicant [*has/has not*] also received a Notice from the Registrar of Motor Vehicles containing particulars of the licence [*disqualification/suspension*].

if applicable

Hearing

The Applicant requests that the Hearing be by written submissions only, because

reasons in separate numbered paragraphs

1.

To the Other Parties: WARNING

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it:

- you must attend the hearing; and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders, you must file and serve on all parties an Affidavit within 14 days after service of the Application.

If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding without further warning.

For instructions on how to obtain access to the file, visit

<https://courtsa.courts.sa.gov.au/?g=node/482>.

To the Applicant: WARNING

If you drive whilst being [*disqualified/suspended*] you may be [*imprisoned/detained*] pursuant to section 91(5) of the *Motor Vehicles Act* 1959.

Service

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

Accompanying Documents

Accompanying this Application is a:

☐ Multilingual Notice mandatory

- ☐ Supporting Affidavit mandatory

☐ Copy of the original Decision that is the subject of this Review mandatory unless already exhibited to Affidavit

☐ Copy of Notice pursuant to section 471IAA of the *Road Traffic Act 1961* mandatory

☐ Copy of blood test results mandatory if blood test selected above

☐ Opinion of doctor mandatory if opinion of doctor selected above

☐ If other additional document(s) please list below:

14. In Schedule 1, Form 94 – Bail Agreement is deleted and substituted as follows:

Form 94

To be inserted by Court

Case Number:

Date Filed:

FDN:

BAIL AGREEMENT

Bail Act 1985 s 6

[*SUPREME/DISTRICT/MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

Subject entering into bail agreement				
Subject	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: 0.8em; margin-top: 5px;">Full Name</div>			
Address	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: 0.8em; margin-top: 5px;">Street Address (including unit or level number and name of property if required)</div>			
	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: 0.8em; margin-top: 5px;">City/town/suburb</div>	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: 0.8em; margin-top: 5px;">State</div>	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: 0.8em; margin-top: 5px;">Postcode</div>	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: 0.8em; margin-top: 5px;">Country</div>
	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: 0.8em; margin-top: 5px;">Email address</div>			
	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: 0.8em; margin-top: 5px;">Date of Birth</div>		<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: 0.8em; margin-top: 5px;">Driver's Licence no</div>	
Phone Details	<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: 0.8em; margin-top: 5px;">Type (eg. Home; work; mobile) - Number</div>		<div style="border-bottom: 1px solid black; height: 20px; margin-bottom: 5px;"></div> <div style="font-size: 0.8em; margin-top: 5px;">Another number</div>	

Bail Agreement

I, the Subject of the above address agree to obey all the bail rules listed in this agreement.

I understand that if I do not appear when required, or if I do not obey the bail rules—

I may be arrested by the police with or without a warrant; and

I may have to pay any money that I have agreed to pay to the Court if I break this agreement; and

I may be convicted of an offence against the *Bail Act 1985* and **may be sent to prison for up to 2 years or fined up to \$10,000.**

Rules (Conditions)**General**

- ☐ 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- ☐ 2. I must pay to the Court \$[amount] if I break any terms or conditions of this Bail Agreement.
- ☐ 3. I must provide security by personally depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- ☐ 4. I must come to Court
 - e. [on date, at time, at location, in court]
 - f. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

Supervision

- ☐ 5. **Adult Only** I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 6. [BLANK]
- ☐ 7. **Youth Only** I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 8. [BLANK]
- ☐ 9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 10. [BLANK]
- ☐ 11. **default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected** I must report [within 2 working days of signing this Bail Agreement/immediately] to the offices of the Community Corrections Centre at [location] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 12. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.

- ☐ 13. *Youth Only* I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- ☐ 14. *Adult Only* I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 15. *Youth Only* I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- ☐ 16. *Adult Only* I must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
- ☐ 17. *Youth Only* I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
- ☐ 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

Travel

- ☐ 19. *default selected if no supervision condition selected* I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- ☐ 20. *default selected if supervision condition selected* I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department [*for Correctional Services/of Human Services*] or nominee
- ☐ 21. I can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. I must report to [*location*] by no later than [*time*] on [*date*].
- ☐ 22. I must give up any passport I have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
- ☐ 23. I must not enter any point of international departure such as an airport or seaport.

Firearms

- ☐ 24. *mandatory unless cogent reasons and no undue risk* I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- ☐ 25. *mandatory unless cogent reasons and no undue risk* I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- ☐ 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [*location*] Police Station.

Home Detention

- ☐ 27. *Adult Only* I must live at [*address*] and stay there while on bail. I must not leave at any time except for:
 - a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;

- d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
 - g. any other reason approved or directed by my Supervising Officer.
- ☐ 28. **Mandatory if serious and organised crime suspect** I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
 - a. necessary medical or dental treatment for me
 - b. averting or minimising a serious risk of death or injury (whether to me or some other person)
 - c. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
- ☐ 29. **accommodation support program selected** I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
 - a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
 - g. any other reason approved or directed by my Supervising Officer.
- ☐ 30. **Youth only** I must live at [address] and stay there while on Bail. I must not leave at any time except for:
 - g. remunerated (paid) employment;
 - h. necessary medical or dental treatment;
 - i. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
- ☐ 31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
- ☐ 32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914].
- ☐ 33. When I am released from court, I must go straight to the offices of the Department [*for Correctional Services/of Human Services*] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].

- ☐ 34. mandatory if serious and organised crime suspect When I am released from Court:
- o. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
 - p. I must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - q. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
 - r. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - s. I must come to an entrance to the required address at the request of my Supervising Officer [*or a Police Officer*]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
 - t. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
 - u. I must comply with any direction given by my Supervising Officer.
- ☐ 35. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
- ☐ 36. If an emergency requires me to move to another address:
- g. I must not move until I have obtained the permission of my Supervising Officer; and
 - h. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - i. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

Residence (place of living)

- ☐ 37. I must live at [*address*]
- ☐ 38. Adult only I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- ☐ 39. I must live where my Supervising Officer directs.
- ☐ 40. Youth Only I must live where [*my Supervising Officer/the Department for Child Protection*] directs, at first with [*name*].
- ☐ 41. I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- e. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - f. in line with the terms and conditions of this Bail Agreement.

- ☐ 42. *Youth only* I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- g. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - h. in line with the terms and conditions of this Bail Agreement;
 - i. in the company of [name/an adult approved by my Supervising Officer].
- ☐ 43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
- ☐ 44. *default selected if general residential condition selected* If an emergency requires me to move to another address:
- g. I must not move until I have obtained the permission of my Supervising Officer; and
 - h. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - i. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
- ☐ 45. I must not live at [address(es)].
- ☐ 46. I must not live with [name(s)].

Monitoring

- ☐ 47. When I am released from Court, I:
- a. *default selected* must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914];
 - b. *youth only* must remain in custody pending the availability of an electronic monitoring device;
 - c. must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - d. must always be contactable by mobile telephone following words *default selected if class 1 or class 2 offence or serious and organised crime suspect selected* [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
 - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - f. must answer straight away to any calls or text messages from the Department [for Correctional Services/of Human Services] on the mobile phone number I have given.

Programs

- ☐ 48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.

- ☐ 49. **Adult Only** I must
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
 - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
- ☐ 50. I must go to an assessment and, if assessed as suitable, go to and complete any:
- i. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
 - j. educational, vocational or recreational programs;
 - k. intervention program;
 - l. programs and projects,
- that my Supervising Officer reasonably directs.
- ☐ 51. **Adult Only** I must pay [*amount in dollars or percentage of cost*] towards the cost of [*any course or treatment/specify courses or treatments*] required to be undertaken by me under the condition[s] above.

Communication

- ☐ 52. **Mandatory if serious and organized crime suspect** I must not communicate with any person other than [*specify person or class*].
- ☐ 53. **mandatory if serious and organised crime suspect** I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
- ☐ 54. I must not:
- a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
 - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
 - c. use any social media, networking or chat based applications on the internet or any electronic devices.

Association

- ☐ 55. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
- ☐ 56. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.
- ☐ 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*]. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.

- ☐ 58. I must not go or stay within *[number]* metres of the boundary of any place where *[name]* may live or work.
- ☐ 59. I must not *[go to [location] [or] go or stay within the area [description of area, including boundaries]]*. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 60. mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children I must not do any child related work and I must not apply for child related work except *[specify exception(s)]*.
- ☐ 61. I must not assault, harass, threaten or intimidate *[name]*.
- ☐ 62. I must obey the terms of any active Intervention Order.

Employment

- ☐ 63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

Drugs and Alcohol

- ☐ 64. I must not use
 - g. alcohol
 - h. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
 - i. *[other]*and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.
- ☐ 65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

Driver's Licence

- 66. I must not drive, or sit in the driver's seat of a motor vehicle, *[unless I hold a current driver's licence]*.

Other Conditions

- ☐ 67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to *[nominated place/address]*.
- ☐ 68. *[other conditions]* provision for multiple additional conditions

Guarantee

- ☐ 69. I must give the Court a written guarantee from *[name, address, date of birth]*, in terms acceptable to the Court, in the sum of \$*[amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$*[amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.

- ☐ 71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

Subject

I agree to this bail agreement. I have been provided with a copy of this Bail Agreement.

.....
Signature of Subject

.....
Name printed

Witness

.....
Signature of authorised witness

witness must be the Judicial Officer granting bail, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Subject is in a training centre, the person in charge of a prison if the Applicant is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is Judicial Officer granting bail

.....
Printed name and title of witness stamp here if applicable

.....
Date

15. In Schedule 1, Form 96B – Certificate of Proper Notification – Intervention Orders Act Order is deleted and substituted as follows:

Form 96B

CERTIFICATE OF PROPER NOTIFICATION
[NATIONALLY RECOGNISED DOMESTIC VIOLENCE ORDER]
Order Identifier: [number]

MAGISTRATES COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

Location	ADELAIDE	File No	
Registry Address	[address]	AP No	
	(08) 8204 2444 Telephone	(08) 8204 0481 Facsimile	enquiry@courts.sa.gov.au Email
Date Application made	[date]		

Respondent	
Name	[full name]
Date of birth	[date of birth]

Applicant	
Name	[full name]

Protected Person[s]	
Name	[full name]
Date of birth	[date of birth]

Order Issued	INTERVENTION ORDER
Date order made	[date order made]
At	[location]
It is certified that:	
The making of a local DVO has been properly notified under the <i>Intervention Orders (Prevention of Abuse) Act 2009</i> (s 29W(1)(a)).	
This certificate is admissible in evidence in any proceedings and is evidence of the matters certified in accordance with section 29W of the <i>Intervention Orders (Prevention of Abuse) Act 2009</i> .	

Details of Notification

<input type="checkbox"/>	Being an interim order confirmed as a final order, service is not required in accordance with s 23(4) of the <i>Intervention Orders (Prevention of Abuse) Act 2009</i> .
<input type="checkbox"/>	The respondent was present in Court when the order was made and therefore deemed served in accordance with s 29J(1)(b) of the <i>Intervention Orders (Prevention of Abuse) Act 2009</i> .
<input type="checkbox"/>	Order Number Served: [order number]
	Date Service Effected: [date]
	Serving Authority: [serving authority]
	Name of Person Served: [full name]

Certified

.....

Date: [date]

[Magistrates Court Registrar/Police Officer of or above rank of Sergeant]

A copy of the relevant domestic violence order must be attached to this certificate.

16. In Schedule 1, Form 65 – Bail Agreement – Extradition (Interim) is deleted and substituted as follows:

Form 65

To be inserted by Court

Case Number:

Date Filed:

FDN:

BAIL AGREEMENT – EXTRADITION (INTERIM)

Service and Execution of Process Act 1992 s 83(12)(a)/85

Extradition Act 1988 s 15(2)/19(9)(a)

[MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

Respondent	Full Name
------------	-----------

Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country
	Email address			
Date of Birth	Date of Birth		Driver's Licence no	
Phone Details	Type (eg. Home; work; mobile) - Number		Another number	

Bail Agreement

Rules (Conditions)

General

- ☐ 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- ☐ 2. I must pay to the Court \$[amount] if I break any terms or conditions of this Bail Agreement.
- ☐ 3. I must provide security by personally depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- ☐ 4. I must come to Court
- [on date, at time, at location, in court]
 - and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

Supervision

- ☐ 5. **Adult Only** I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
6. [BLANK]
- ☐ 7. **Youth Only** I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
8. [BLANK]
- ☐ 9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
10. [BLANK]
- ☐ 11. default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected I must report [within 2 working days of signing this Bail Agreement/immediately] to the offices of the Community Corrections Centre

at *[location]* unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.

- ☐ 12. *Adult Only* I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- ☐ 13. *Youth Only* I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- ☐ 14. *Adult Only* I must report *[within 2 working days of signing this Bail Agreement/immediately]* to my Supervising Officer in person at *[location]* or by telephone on *[insert correct phone number]* unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 15. *Youth Only* I must report *[within 2 working days of signing this Bail Agreement/immediately]* to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- ☐ 16. *Adult Only* I must report to the police at *[police station location]* police station between *[time]* and *[time]* every *[reporting day(s)]* starting on *[date]*.
- ☐ 17. *Youth Only* I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
- ☐ 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

Travel

- ☐ 19. *default selected if no supervision condition selected* I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- ☐ 20. *default selected if supervision condition selected* I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department *[for Correctional Services/of Human Services]* or nominee
- ☐ 21. I can leave South Australia to travel to *[location]* between *[date]* and *[date]*, both dates inclusive. I must report to *[location]* by no later than *[time]* on *[date]*.
- ☐ 22. I must give up any passport I have to the Registrar of the *[Court]* at *[location]* and must not apply for a new passport.
- ☐ 23. I must not enter any point of international departure such as an airport or seaport.

Firearms

- ☐ 24. *mandatory unless cogent reasons and no undue risk* I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- ☐ 25. *mandatory unless cogent reasons and no undue risk* I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- ☐ 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the *[location]* Police Station.

Home Detention

- ☐ 27. *Adult Only* I must live at *[address]* and stay there while on bail. I must not leave at any time except for:
 - a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other

person);

- c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
- d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
- e. going to an intervention program as approved or directed by my Supervising Officer;
- f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
- g. any other reason approved or directed by my Supervising Officer.

- ☐ 28. **Mandatory if serious and organised crime suspect** I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes

- a. necessary medical or dental treatment for me
- b. averting or minimising a serious risk of death or injury (whether to me or some other person)
- c. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].

- ☐ 29. **accommodation support program selected** I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:

- a. necessary medical or dental treatment;
- b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
- c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
- d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
- e. going to an intervention program as approved or directed by my Supervising Officer;
- f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
- g. any other reason approved or directed by my Supervising Officer.

- ☐ 30. **Youth only** I must live at [address] and stay there while on Bail. I must not leave at any time except for:

- a. remunerated (paid) employment;
- b. necessary medical or dental treatment;
- c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.

- ☐ 31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.

- ☐ 32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914].

- ☐ 33. When I am released from court, I must go straight to the offices of the Department [*for Correctional Services/of Human Services*] at [*location*] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [*address*].
- ☐ 34. mandatory if serious and organised crime suspect When I am released from Court:
- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
 - b. I must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
 - d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - e. I must come to an entrance to the required address at the request of my Supervising Officer [*or a Police Officer*]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
 - f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
 - g. I must comply with any direction given by my Supervising Officer.
- ☐ 35. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
- ☐ 36. If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
 - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

Residence (place of living)

- ☐ 37. I must live at [*address*]
- ☐ 38. Adult only I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- ☐ 39. I must live where my Supervising Officer directs.
- ☐ 40. Youth Only I must live where [*my Supervising Officer/the Department for Child Protection*] directs, at first with [*name*].
- ☐ 41. I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:

- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - b. in line with the terms and conditions of this Bail Agreement.
- ☐ 42. *Youth only* I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
 - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - b. in line with the terms and conditions of this Bail Agreement;
 - c. in the company of [name/an adult approved by my Supervising Officer].
- ☐ 43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
- ☐ 44. *default selected if general residential condition selected* If an emergency requires me to move to another address:
 - a. I must not move until I have obtained the permission of my Supervising Officer; and
 - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
- ☐ 45. I must not live at [address(es)].
- ☐ 46. I must not live with [name(s)].

Monitoring

- ☐ 47. When I am released from Court, I:
 - a. *default selected* must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914];
 - b. *youth only* must remain in custody pending the availability of an electronic monitoring device;
 - c. must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - d. must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
 - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - f. must answer straight away to any calls or text messages from the Department [for Correctional Services/of Human Services] on the mobile phone number I have given.

Programs

- ☐ 48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
- ☐ 49. *Adult Only* I must
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
 - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
- ☐ 50. I must go to an assessment and, if assessed as suitable, go to and complete any:
- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
 - b. educational, vocational or recreational programs;
 - c. intervention program;
 - d. programs and projects,
- that my Supervising Officer reasonably directs.
- ☐ 51. *Adult Only* I must pay [*amount in dollars or percentage of cost*] towards the cost of [*any course or treatment/specify courses or treatments*] required to be undertaken by me under the condition[s] above.

Communication

- ☐ 52. *Mandatory if serious and organized crime suspect* I must not communicate with any person other than [*specify person or class*].
- ☐ 53. *mandatory if serious and organised crime suspect* I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
- ☐ 54. I must not:
- a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
 - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
 - c. use any social media, networking or chat based applications on the internet or any electronic devices.

Association

- ☐ 55. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
- ☐ 56. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.
- ☐ 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*]. Contact is only permitted at a court or tribunal

hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.

- ☐ 58. I must not go or stay within *[number]* metres of the boundary of any place where *[name]* may live or work.
- ☐ 59. I must not *[go to [location]]* *[or]* go or stay within the area *[description of area, including boundaries]*. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 60. mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children I must not do any child related work and I must not apply for child related work except *[specify exception(s)]*.
- ☐ 61. I must not assault, harass, threaten or intimidate *[name]*.
- ☐ 62. I must obey the terms of any active Intervention Order.

Employment

- ☐ 63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

Drugs and Alcohol

- ☐ 64. I must not use
 - a. alcohol
 - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
 - c. *[other]*

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

- ☐ 65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

Driver's Licence

- 66. I must not drive, or sit in the driver's seat of a motor vehicle, *[unless I hold a current driver's licence]*.

Other Conditions

- ☐ 67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to *[nominated place/address]*.
- ☐ 68. *[other conditions]* provision for multiple additional conditions

Guarantee

- ☐ 69. I must give the Court a written guarantee from *[name, address, date of birth]*, in terms acceptable to the Court, in the sum of \$*[amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$*[amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.

- ☐ 71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

Respondent

I agree to this Bail Agreement. I have been provided with a copy of this Bail Agreement.

.....

Signature of Respondent

.....

Name printed

Witness

.....

Signature of authorised witness

witness must be the Judicial Officer granting bail, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Respondent is in a training centre, the person in charge of a prison if the Respondent is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is Judicial Officer granting bail

.....

Printed name and title of witness stamp here if applicable

.....

Date

Authentication

.....

Signature of Judicial Officer

[title and name]

17. In Schedule 1, Form 67 – Order – Bail – Grant of Bail (Extradition)(Interim) is deleted and substituted as follows:

Form 67

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER – BAIL – GRANT OF BAIL (EXTRADITION) (INTERIM)

[MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

Appearances

[Applicant Appearance information]

[Respondent Appearance information]

Remarks

[Notes]

Order

Date of Order: [date]

Terms of Order

It is ordered that:

Orders in separately numbered paragraphs.

1. The Respondent be granted bail subject to the conditions listed below and entering into a Bail Agreement containing those conditions.

2. The Respondent next words displayed if guarantee box below is selected singular or plural according to number specified there *[and the guarantor[s]]* may enter into the Bail Agreement before any person listed in section 6(3) of the *Bail Act 1985* or any delegate of any such person.
3. if applicable The prosecution having indicated that it will seek a review of bail under section 16 of the *Bail Act 1985*, the release of the Respondent be deferred until the review is completed or a period of 72 hours from the date of this order or when a police officer or counsel on behalf of the Crown files with the Court a notice that the crown does not desire to proceed with the review, whichever occurs first.
4. *[other orders]*.

Bail Agreement

Rules (Conditions)

General

- ☐ 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- ☐ 2. I must pay to the Court \$*[amount]* if I break any terms or conditions of this Bail Agreement.
- ☐ 3. I must provide security by personally depositing cash with the Court in the amount of \$*[amount]* to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- ☐ 4. I must come to Court
 - a. *[on date, at time, at location, in court]*
 - b. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

Supervision

- ☐ 5. Adult Only I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 6. [BLANK]
- ☐ 7. Youth Only I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 8. [BLANK]
- ☐ 9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- 10. [BLANK]
- ☐ 11. default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected I must report *[within 2 working days of signing this Bail Agreement/immediately]* to the offices of the Community Corrections Centre at *[location]* unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.

- ☐ 12. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- ☐ 13. **Youth Only** I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- ☐ 14. **Adult Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 15. **Youth Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- ☐ 16. **Adult Only** I must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
- ☐ 17. **Youth Only** I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
- ☐ 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

Travel

- ☐ 19. **default selected if no supervision condition selected** I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- ☐ 20. **default selected if supervision condition selected** I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department [*for Correctional Services/of Human Services*] or nominee
- ☐ 21. I can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. I must report to [*location*] by no later than [*time*] on [*date*].
- ☐ 22. I must give up any passport I have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
- ☐ 23. I must not enter any point of international departure such as an airport or seaport.

Firearms

- ☐ 24. **mandatory unless cogent reasons and no undue risk** I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- ☐ 25. **mandatory unless cogent reasons and no undue risk** I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- ☐ 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [*location*] Police Station.

Home Detention

- ☐ 27. **Adult Only** I must live at [*address*] and stay there while on bail. I must not leave at any time except for:
 - a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from

- time to time by my Supervising Officer;
- d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
 - g. any other reason approved or directed by my Supervising Officer.
- ☐ 28. **Mandatory if serious and organised crime suspect** I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
- a. necessary medical or dental treatment for me
 - b. averting or minimising a serious risk of death or injury (whether to me or some other person)
 - c. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
- ☐ 29. **accommodation support program selected** I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
 - g. any other reason approved or directed by my Supervising Officer.
- ☐ 30. **Youth only** I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- a. remunerated (paid) employment;
 - b. necessary medical or dental treatment;
 - c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
- ☐ 31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
- ☐ 32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914].
- ☐ 33. When I am released from court, I must go straight to the offices of the Department [*for Correctional Services/of Human Services*] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].

- ☐ 34. mandatory if serious and organised crime suspect When I am released from Court:
- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
 - b. I must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
 - d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - e. I must come to an entrance to the required address at the request of my Supervising Officer [*or a Police Officer*]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
 - f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
 - g. I must comply with any direction given by my Supervising Officer.
- ☐ 35. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
- ☐ 36. If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
 - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

Residence (place of living)

- ☐ 37. I must live at [*address*]
- ☐ 38. Adult only I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- ☐ 39. I must live where my Supervising Officer directs.
- ☐ 40. Youth Only I must live where [*my Supervising Officer/the Department for Child Protection*] directs, at first with [*name*].
- ☐ 41. I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - b. in line with the terms and conditions of this Bail Agreement.

- ☐ 42. Youth only I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - b. in line with the terms and conditions of this Bail Agreement;
 - c. in the company of [name/an adult approved by my Supervising Officer].
- ☐ 43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
- ☐ 44. default selected if general residential condition selected If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
 - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
- ☐ 45. I must not live at [address(es)].
- ☐ 46. I must not live with [name(s)].

Monitoring

- ☐ 47. When I am released from Court, I:
- a. default selected must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914];
 - b. youth only must remain in custody pending the availability of an electronic monitoring device;
 - c. must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - d. must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
 - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - f. must answer straight away to any calls or text messages from the Department [for Correctional Services/of Human Services] on the mobile phone number I have given.

Programs

- ☐ 48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
- ☐ 49. Adult Only I must
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2

working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and

- b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.

☐ 50. I must go to an assessment and, if assessed as suitable, go to and complete any:

- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
- b. educational, vocational or recreational programs;
- c. intervention program;
- d. programs and projects,

that my Supervising Officer reasonably directs.

☐ 51. *Adult Only* I must pay [*amount in dollars or percentage of cost*] towards the cost of [*any course or treatment/specify courses or treatments*] required to be undertaken by me under the condition[s] above.

Communication

☐ 52. *Mandatory if serious and organized crime suspect* I must not communicate with any person other than [*specify person or class*].

☐ 53. *mandatory if serious and organised crime suspect* I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.

☐ 54. I must not:

- a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
- b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
- c. use any social media, networking or chat based applications on the internet or any electronic devices.

Association

☐ 55. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.

☐ 56. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.

☐ 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*]. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.

☐ 58. I must not go or stay within [*number*] metres of the boundary of any place where [*name*] may live or work.

- ☐ 59. I must not *[go to [location] [or] go or stay within the area [description of area, including boundaries]]*. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 60. *mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children* I must not do any child related work and I must not apply for child related work except *[specify exception(s)]*.
- ☐ 61. I must not assault, harass, threaten or intimidate *[name]*.
- ☐ 62. I must obey the terms of any active Intervention Order.

Employment

- ☐ 63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

Drugs and Alcohol

- ☐ 64. I must not use
 - a. alcohol
 - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
 - c. *[other]*and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.
- ☐ 65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

Driver's Licence

- 66. I must not drive, or sit in the driver's seat of a motor vehicle, *[unless I hold a current driver's licence]*.

Other Conditions

- ☐ 67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to *[nominated place/address]*.
- ☐ 68. *[other conditions]* provision for multiple additional conditions

Guarantee

- ☐ 69. I must give the Court a written guarantee from *[name, address, date of birth]*, in terms acceptable to the Court, in the sum of *[\$[amount]]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of *[\$[amount]]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of *[\$[amount]]* to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

Reasons for grant of bail**Reasons**

Bail has been granted as the Court is satisfied that:

- ☐ 1. There are special circumstances justifying the release on bail Required for grant of bail under the *Extradition Act 1988* (Cth)
- ☐ 2. *[Other]*.

Authentication

.....
Signature of Court Officer
[title and name]

18. In Schedule 1, Form 92F – Order – Bail Grant is deleted and substituted as follows:

Form 92F

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER – BAIL GRANT

[SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Introduction**Hearing**

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

Remarks

[Notes].

Order

Date of Order: [date]

Orders

It is ordered that:

Orders in separately numbered paragraphs.

1. The [Applicant/Respondent] [name] be granted bail subject to the conditions listed below and entering into a Bail Agreement containing those conditions.
2. The [Applicant/Respondent] next words displayed if guarantee box below is selected singular or plural according to number specified there [and the guarantor[s]] may enter into the Bail Agreement before any person listed in section 6(3) of the *Bail Act 1985* or any delegate of any such person.
3. if applicable The prosecution having indicated that it will seek a review of bail under section 16 of the *Bail Act 1985*, the release of the [Applicant/Respondent] be deferred until the review is completed or a period of 72 hours from the date of this order or when a police officer or counsel on behalf of the Crown files with the Court a notice that the crown does not desire to proceed with the review, whichever occurs first.
4. [other orders].

Bail Agreement**Rules (Conditions)****General**

- ☐ 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- ☐ 2. I must pay to the Court \$[amount] if I break any terms or conditions of this Bail Agreement.
- ☐ 3. I must provide security by personally depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.

- ☐ 4. I must come to Court

- a. *[on date, at time, at location, in court]*
b. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

Supervision

- ☐ 5. **Adult Only** I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
6. [BLANK]
- ☐ 7. **Youth Only** I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
8. [BLANK]
- ☐ 9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
10. [BLANK]
- ☐ 11. default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected I must report *[within 2 working days of signing this Bail Agreement/immediately]* to the offices of the Community Corrections Centre at *[location]* unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 12. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- ☐ 13. **Youth Only** I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- ☐ 14. **Adult Only** I must report *[within 2 working days of signing this Bail Agreement/immediately]* to my Supervising Officer in person at *[location]* or by telephone on *[insert correct phone number]* unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 15. **Youth Only** I must report *[within 2 working days of signing this Bail Agreement/immediately]* to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- ☐ 16. **Adult Only** I must report to the police at *[police station location]* police station between *[time]* and *[time]* every *[reporting day(s)]* starting on *[date]*.
- ☐ 17. **Youth Only** I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
- ☐ 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

Travel

- ☐ 19. default selected if no supervision condition selected I must not leave South Australia for any reason without the permission of a Judge or Magistrate.

- ☐ 20. default selected if supervision condition selected I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department [*for Correctional Services/of Human Services*] or nominee
- ☐ 21. I can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. I must report to [*location*] by no later than [*time*] on [*date*].
- ☐ 22. I must give up any passport I have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
- ☐ 23. I must not enter any point of international departure such as an airport or seaport.

Firearms

- ☐ 24. mandatory unless cogent reasons and no undue risk I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- ☐ 25. mandatory unless cogent reasons and no undue risk I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- ☐ 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [*location*] Police Station.

Home Detention

- ☐ 27. Adult Only I must live at [*address*] and stay there while on bail. I must not leave at any time except for:
 - a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
 - g. any other reason approved or directed by my Supervising Officer.
- ☐ 28. Mandatory if serious and organised crime suspect I must reside at [*address*] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
 - a. necessary medical or dental treatment for me
 - b. averting or minimising a serious risk of death or injury (whether to me or some other person)
 - c. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
- ☐ 29. accommodation support program selected I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
 - a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other

person);

- c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
- d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
- e. going to an intervention program as approved or directed by my Supervising Officer;
- f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
- g. any other reason approved or directed by my Supervising Officer.

☐ 30. Youth only I must live at [address] and stay there while on Bail. I must not leave at any time except for:

- a. remunerated (paid) employment;
- b. necessary medical or dental treatment;
- c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.

☐ 31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.

☐ 32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914].

☐ 33. When I am released from court, I must go straight to the offices of the Department [for Correctional Services/of Human Services] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].

☐ 34. mandatory if serious and organised crime suspect When I am released from Court:

- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [for Correctional Services/of Human Services] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
- b. I must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
- c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
- d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
- e. I must come to an entrance to the required address at the request of my Supervising Officer [or a Police Officer]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
- f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
- g. I must comply with any direction given by my Supervising Officer.

- ☐ 35. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
- ☐ 36. If an emergency requires me to move to another address:
 - a. I must not move until I have obtained the permission of my Supervising Officer; and
 - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

Residence (place of living)

- ☐ 37. I must live at [*address*]
- ☐ 38. *Adult only* I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- ☐ 39. I must live where my Supervising Officer directs.
- ☐ 40. *Youth Only* I must live where [*my Supervising Officer/the Department for Child Protection*] directs, at first with [*name*].
- ☐ 41. I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
 - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - b. in line with the terms and conditions of this Bail Agreement.
- ☐ 42. *Youth only* I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
 - a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - b. in line with the terms and conditions of this Bail Agreement;
 - c. in the company of [*name/an adult approved by my Supervising Officer*].
- ☐ 43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
- ☐ 44. default selected if general residential condition selected If an emergency requires me to move to another address:
 - a. I must not move until I have obtained the permission of my Supervising Officer; and
 - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
- ☐ 45. I must not live at [*address(es)*].
- ☐ 46. I must not live with [*name(s)*].

Monitoring

- ☐ 47. When I am released from Court, I:
- a. ~~default selected~~ must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [for *Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914];
 - b. ~~youth only~~ must remain in custody pending the availability of an electronic monitoring device;
 - c. must wear the electronic transmitter and obey the Department [for *Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - d. must always be contactable by mobile telephone ~~following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected~~ [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
 - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - f. must answer straight away to any calls or text messages from the Department [for *Correctional Services/of Human Services*] on the mobile phone number I have given.

Programs

- ☐ 48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
- ☐ 49. ~~Adult Only~~ I must
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
 - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
- ☐ 50. I must go to an assessment and, if assessed as suitable, go to and complete any:
- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
 - b. educational, vocational or recreational programs;
 - c. intervention program;
 - d. programs and projects,
- that my Supervising Officer reasonably directs.
- ☐ 51. ~~Adult Only~~ I must pay [amount in dollars or percentage of cost] towards the cost of [any course or treatment/specify courses or treatments] required to be undertaken by me under the condition[s] above.

Communication

- ☐ 52. *Mandatory if serious and organized crime suspect* I must not communicate with any person other than [*specify person or class*].
- ☐ 53. *mandatory if serious and organised crime suspect* I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
- ☐ 54. I must not:
 - a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
 - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
 - c. use any social media, networking or chat based applications on the internet or any electronic devices.

Association

- ☐ 55. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
- ☐ 56. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.
- ☐ 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*]. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 58. I must not go or stay within [*number*] metres of the boundary of any place where [*name*] may live or work.
- ☐ 59. I must not [*go to [location] [or] go or stay within the area [description of area, including boundaries]*]. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 60. *mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children* I must not do any child related work and I must not apply for child related work except [*specify exception(s)*].
- ☐ 61. I must not assault, harass, threaten or intimidate [*name*].
- ☐ 62. I must obey the terms of any active Intervention Order.

Employment

- ☐ 63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

Drugs and Alcohol

- ☐ 64. I must not use
 - a. alcohol

b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage

c. [other]

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

- ☐ 65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

Driver's Licence

66. I must not drive, or sit in the driver's seat of a motor vehicle, [unless I hold a current driver's licence].

Other Conditions

- ☐ 67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to [nominated place/address].
- ☐ 68. [other conditions] provision for multiple additional conditions

Guarantee

- ☐ 69. I must give the Court a written guarantee from [name, address, date of birth], in terms acceptable to the Court, in the sum of \$[amount] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$[amount] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

Next box not displayed if District or Supreme Court and only displayed if selected in Magistrates or Youth Court when conditions 4 or 5 not selected, or if bail relates to class 1 or 2 offence and condition 23 not selected or condition 23 selected with exceptions added, or other variation required.

Next box can be used as alternative to transcript of oral reasons for refusal.

Reasons for varying ordinarily mandatory conditions

Condition of bail to be varied or revoked

The following standard conditions of bail under section 11(1) of the *Bail Act 1985* to be varied or revoked are: (11(1c) displayed below)

- ☐ a condition prohibiting the possession of a firearm, ammunition or any part of a firearm
- ☐ a condition requiring the applicant to submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by the bail authority, or a person or class of persons or body specified by the bail authority.

The following standard conditions of bail under section 11(2ab) of the *Bail Act 1985* to be varied or revoked are: (11(2ad) displayed below)

- ☐ a condition that the [Applicant/Respondent] agrees not to engage in child related work.
- ☐ a condition that the [Applicant/Respondent] agrees not to apply for child related work.

Details of variation if condition is to be varied if applicable

The varied condition[s] [is/are] as follows:

- ☐ varied condition prohibiting the possession of a firearm, ammunition or any part of a firearm.
- ☐ varied condition requiring the [Applicant/Respondent] to submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by the Court, or a person or class of persons or body specified by the Court.
- ☐ varied condition that the [Applicant/Respondent] must not engage in child related work.
- ☐ varied condition that the [Applicant/Respondent] must not apply for child related work.

Reasons

The standard conditions of bail are [varied/revoked] under section [11(1c)/11(2ad)] of the *Bail Act 1985* as the Court is satisfied that:

1. there are cogent reasons for the condition[s] to be [varied/revoked], namely:
 - a. [reasons in numbered subparagraphs].
2. displayed if section 11(1) condition selected above the possession of a firearm, ammunition or part of a firearm by the [Applicant/Respondent] does not represent an undue risk to the safety of the public because:
 - a. [reasons in numbered subparagraphs].
3. displayed if section 11(2ab) condition selected above the [Applicant/Respondent] engaging in child-related work will not pose a risk to the safety and wellbeing of children because:
 - a. [reasons in numbered subparagraphs].

Authentication

.....
Signature of Court Officer
[title and name]

19. In Schedule 1, Form 92H – Order – Bail Variation is deleted and substituted as follows:

Form 92H

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER – BAIL VARIATION

[SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]**Applicant****[FULL NAME]****Respondent****Introduction****Hearing**Hearing Location: *[suburb]**[Hearing date]**[Presiding Officer]***Appearances***[Applicant Appearance Information]**[Respondent Appearance Information]***Remarks***[Notes]*.**Order****Date of Order:** *[date]***Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

- ☐ 1. The conditions of the bail granted to the *[Applicant/Respondent]* on *[date]* be varied such that the conditions of bail are now as listed below, subject to the *[Applicant/Respondent]* entering into the Bail Agreement Variation containing those conditions.
- ☐ 2. *[any other orders]*.

Bail Agreement**Rules (Conditions)****General**

- ☐ 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- ☐ 2. I must pay to the Court \$*[amount]* if I break any terms or conditions of this Bail Agreement.

- ☐ 3. I must provide security by personally depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- ☐ 4. I must come to Court
- a. [on date, at time, at location, in court]
- b. and at any other time when called on.
- I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.
- I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

Supervision

- ☐ 5. **Adult Only** I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
6. [BLANK]
- ☐ 7. **Youth Only** I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
8. [BLANK]
- ☐ 9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
10. [BLANK]
- ☐ 11. **default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected** I must report [within 2 working days of signing this Bail Agreement/immediately] to the offices of the Community Corrections Centre at [location] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 12. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- ☐ 13. **Youth Only** I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- ☐ 14. **Adult Only** I must report [within 2 working days of signing this Bail Agreement/immediately] to my Supervising Officer in person at [location] or by telephone on [insert correct phone number] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 15. **Youth Only** I must report [within 2 working days of signing this Bail Agreement/immediately] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- ☐ 16. **Adult Only** I must report to the police at [police station location] police station between [time] and [time] every [reporting day(s)] starting on [date].
- ☐ 17. **Youth Only** I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
- ☐ 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

Travel

- ☐ 19. default selected if no supervision condition selected I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- ☐ 20. default selected if supervision condition selected I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department [*for Correctional Services/of Human Services*] or nominee
- ☐ 21. I can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. I must report to [*location*] by no later than [*time*] on [*date*].
- ☐ 22. I must give up any passport I have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
- ☐ 23. I must not enter any point of international departure such as an airport or seaport.

Firearms

- ☐ 24. mandatory unless cogent reasons and no undue risk I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- ☐ 25. mandatory unless cogent reasons and no undue risk I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- ☐ 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [*location*] Police Station.

Home Detention

- ☐ 27. Adult Only I must live at [*address*] and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
 - g. any other reason approved or directed by my Supervising Officer.
- ☐ 28. Mandatory if serious and organised crime suspect I must reside at [*address*] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
- a. necessary medical or dental treatment for me
 - b. averting or minimising a serious risk of death or injury (whether to me or some other person)
 - c. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
- ☐ 29. accommodation support program selected I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except

for:

- a. necessary medical or dental treatment;
- b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
- c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
- d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
- e. going to an intervention program as approved or directed by my Supervising Officer;
- f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
- g. any other reason approved or directed by my Supervising Officer.

☐ 30. Youth only I must live at [address] and stay there while on Bail. I must not leave at any time except for:

- a. remunerated (paid) employment;
- b. necessary medical or dental treatment;
- c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.

☐ 31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.

☐ 32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914].

☐ 33. When I am released from court, I must go straight to the offices of the Department [for Correctional Services/of Human Services] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].

☐ 34. mandatory if serious and organised crime suspect When I am released from Court:

- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [for Correctional Services/of Human Services] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
- b. I must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
- c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
- d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
- e. I must come to an entrance to the required address at the request of my Supervising Officer [or a Police Officer]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.

f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.

g. I must comply with any direction given by my Supervising Officer.

☐ 35. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.

☐ 36. If an emergency requires me to move to another address:

a. I must not move until I have obtained the permission of my Supervising Officer; and

b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and

c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

Residence (place of living)

☐ 37. I must live at [*address*]

☐ 38. *Adult only* I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.

☐ 39. I must live where my Supervising Officer directs.

☐ 40. *Youth Only* I must live where [*my Supervising Officer/the Department for Child Protection*] directs, at first with [*name*].

☐ 41. I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:

a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;

b. in line with the terms and conditions of this Bail Agreement.

☐ 42. *Youth only* I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:

a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;

b. in line with the terms and conditions of this Bail Agreement;

c. in the company of [*name/an adult approved by my Supervising Officer*].

☐ 43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.

☐ 44. *default selected if general residential condition selected* If an emergency requires me to move to another address:

a. I must not move until I have obtained the permission of my Supervising Officer; and

b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and

c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.

☐ 45. I must not live at [*address(es)*].

- ☐ 46. I must not live with [name(s)].

Monitoring

- ☐ 47. When I am released from Court, I:
- a. ~~default selected~~ must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914];
 - b. ~~youth only~~ must remain in custody pending the availability of an electronic monitoring device;
 - c. must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - d. must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.
 - e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - f. must answer straight away to any calls or text messages from the Department [for Correctional Services/of Human Services] on the mobile phone number I have given.

Programs

- ☐ 48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
- ☐ 49. ~~Adult Only~~ I must
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
 - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
- ☐ 50. I must go to an assessment and, if assessed as suitable, go to and complete any:
- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
 - b. educational, vocational or recreational programs;
 - c. intervention program;
 - d. programs and projects,
- that my Supervising Officer reasonably directs.
- ☐ 51. ~~Adult Only~~ I must pay [amount in dollars or percentage of cost] towards the cost of [any course or treatment/specify courses or treatments] required to be undertaken by me under the condition[s] above.

Communication

- ☐ 52. *Mandatory if serious and organized crime suspect* I must not communicate with any person other than [*specify person or class*].
- ☐ 53. *mandatory if serious and organised crime suspect* I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and I must only use permitted device(s) for communication reasons.
- ☐ 54. I must not:
- a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless I have permission beforehand from my Supervising Officer;
 - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
 - c. use any social media, networking or chat based applications on the internet or any electronic devices.

Association

- ☐ 55. I must not go near or stay near a child or person under the age of [*number*] years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
- ☐ 56. I must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.
- ☐ 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within [*number*] metres of [*person(s) and/or class(es) of persons*]. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 58. I must not go or stay within [*number*] metres of the boundary of any place where [*name*] may live or work.
- ☐ 59. I must not [*go to [location]*] [*or*] go or stay within the area [*description of area, including boundaries*]]. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 60. *mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children* I must not do any child related work and I must not apply for child related work except [*specify exception(s)*].
- ☐ 61. I must not assault, harass, threaten or intimidate [*name*].
- ☐ 62. I must obey the terms of any active Intervention Order.

Employment

- ☐ 63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

Drugs and Alcohol

- ☐ 64. I must not use
- a. alcohol
 - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage

c. [other]

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

- ☐ 65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

Driver's Licence

66. I must not drive, or sit in the driver's seat of a motor vehicle, [unless I hold a current driver's licence].

Other Conditions

- ☐ 67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to [nominated place/address].
- ☐ 68. [other conditions] provision for multiple additional conditions

Guarantee

- ☐ 69. I must give the Court a written guarantee from [name, address, date of birth], in terms acceptable to the Court, in the sum of \$[amount] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$[amount] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

Authentication

.....
Signature of Court Officer
[title and name]

20. In Schedule 1, Form 92S – Order – Extradition International – Surrender by Consent and Bail is deleted and substituted as follows:
Form 92S

To be inserted by Court

Case Number:

Date Signed:

FDN:

ORDER – EXTRADITION INTERNATIONAL – SURRENDER BY CONSENT AND BAIL

MAGISTRATES COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

Appearances

[Applicant Appearance information]

[Respondent Appearance information]

Remarks

- (a) The Respondent is on remand under section 15 of the *Extradition Act 1988* (Cth).
- (b) The Attorney General has been given a notice under section 16(1) in relation to the Respondent.
- (c) The Respondent has consented to being surrendered to the extradition country concerned in relation to the extradition offences for which surrender of the Respondent is sought by that country.
- (d) There are special circumstances justifying the release of the Respondent on bail.

Order

Date of Order: [date]

Terms of Order

It is ordered that:

Orders in separately numbered paragraphs.

- ☐ 1. The Respondent be released on bail subject to the conditions listed below and entering into a Bail Agreement containing those conditions to await surrender under a surrender warrant or temporary surrender warrant or release, or the discharge of the recognisances on which bail was granted, under an order under section 22(5) of the *Extradition Act 1988* (Cth).
- ☐ 2. [other orders].

Authentication

.....
Signature of Court Officer
[title and name]

Bail Agreement

Rules (Conditions)

General

- ☐ 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- ☐ 2. I must pay to the Court \$[amount] if I break any terms or conditions of this Bail Agreement.
- ☐ 3. I must provide security by personally depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- If agreement for International Extradition – to await surrender:
- ☐ 4. I must appear, if and when I am required to surrender, to be conveyed to the extraditing country
- ☐ 5. If agreement for Interstate Extradition – to appear interstate
- I must travel to [State] and appear at the [Court] at [location] on [date] at [time] at the hearing of the proceeding referred to in the warrant for my arrest issued by that Court.

Supervision

- ☐ 5. **Adult Only** I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 6. **Youth Only** I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 7. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 8. I must report [within 2 working days of signing this Bail Agreement/immediately] to the offices of the Community Corrections Centre at [location] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 9. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.

- ☐ 10. **Youth Only** I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- ☐ 11. **Adult Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 12. **Youth Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- ☐ 13. **Adult Only** I must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
- ☐ 14. **Youth Only** I must go to school on every normal school day unless I have legal reason not to be there (e.g. being sick).
- ☐ 15. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

Travel

- ☐ 16. **default selected if no supervision condition selected** I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- ☐ 17. I must give up any passport I have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
- ☐ 18. I must not enter any point of international departure such as an airport or seaport.

Firearms

- ☐ 19. I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- ☐ 20. I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- ☐ 21. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [*location*] Police Station.

Home Detention

- ☐ 22. **Adult Only.** I must live at [*address*] and stay there while on bail. I must not leave at any time except for:
 - a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;

g. any other reason approved or directed by my Supervising Officer.

- ☐ 22. **Mandatory if serious and organised crime suspect** I must reside at [address] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
- A. necessary medical or dental treatment for me
 - B. averting or minimising a serious risk of death or injury (whether to me or some other person);
 - C. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
- ☐ 23. **accommodation support program selected** I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
- a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
 - g. any other reason approved or directed by my Supervising Officer.
- ☐ 24. **Youth only** I must live at [address] and stay there while on bail. I must not leave at any time except for:
- a. remunerated (paid) employment;
 - b. necessary medical or dental treatment
 - c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
- ☐ 25. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
- ☐ 26. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914].
- ☐ 27. When I am released from court, I must go straight to the offices of the Department [*for Correctional Services/of Human Services*] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].
- ☐ 28. When I am released from Court:
- a. I agree to be fitted with a device of a kind approved by the Chief Executive Officer of the Department [*for Correctional Services/of Human Services*] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable

directions of the Chief Executive Officer in relation to the device.

- b. I must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
- c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
- d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
- e. I must come to an entrance to the required address at the request of my Supervising Officer [*or a Police Officer*]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
- f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
- g. I must comply with any direction given by my Supervising Officer.

- ☐ 29. I give permission for the Department [*for Correctional Services/of Human Services*] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.

- ☐ 30. If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
 - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

Residence (place of living)

- ☐ 31. I must live at [*address*].
- ☐ 32. **Adult only** I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- ☐ 33. I must live where my Supervising Officer directs.
- ☐ 34. **Youth Only** I must live where [*my Supervising Officer/the Department for Child Protection*] directs, at first with [*name*].
- ☐ 35. I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - b. in line with the terms and conditions of this Bail Agreement.
- ☐ 36. **Youth only** I must stay at the required address between the hours of [*time*] and [*time*] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death

or injury to myself or another or for any other reason approved by my Supervising Officer;

b. in line with the terms and conditions of this Bail Agreement;

c. in the company of [*name/an adult approved by my Supervising Officer*].

☐ 37. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.

☐ 38. default selected if general residential condition selected If an emergency requires me to move to another address:

a. I must not move until I have obtained the permission of my Supervising Officer; and

b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and

c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.

☐ 39. I must not live at [*address(es)*].

☐ 40. I must not live with [*name(s)*].

Monitoring

☐ 41. When I am released from Court, I:

a. default selected must go straight to [*address*], so I can have an electronic transmitter fitted following text displayed If address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [1300 796 199/1800 814 914];

b. youth only must remain in custody pending the availability of an electronic monitoring device;

c. must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.

d. must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.

e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.

f. must answer straight away to any calls or text messages from the Department [*for Correctional Services/of Human Services*] on the mobile phone number I have given.

Employment

☐ 42. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

Drug and Alcohol

☐ 43. I must not use

a. alcohol

b. any drug that is not prescribed by a doctor registered in South Australia or legally

available in another way, and then only at the prescribed or recommended dosage

c. [other]

and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.

- ☐ 44. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

Drivers Licence

45. I must not drive, or sit in the driver's seat of a motor vehicle, [unless I hold a current driver's licence].

Other Conditions

- ☐ 46. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to [nominated place/address].
- ☐ 47. [other conditions]

Guarantee

- ☐ 48. I must give the Court a written guarantee from [name, address, date of birth], in terms acceptable to the Court, in the sum of \$[amount] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 49. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$[amount] that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 50. I must obtain security from the Guarantor by depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

21. In Schedule 1, Form 116 – Bail Agreement Variation is deleted and substituted as follows:

Form 116

To be inserted by Court

Case Number:

Date Filed:

FDN:

BAIL AGREEMENT VARIATION

Bail Act 1985 s 6

[SUPREME/DISTRICT/MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Person entering into bail agreement			
Subject	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Date of Birth	Date of Birth	Driver's Licence no	
Phone Details	Type (eg. Home; work; mobile) - Number	Another number	

Bail Agreement

I, the Subject of the above address agree to obey all the bail rules listed in this agreement.

I understand that if I do not appear when required, or if I do not obey the bail rules—

I may be arrested by the police with or without a warrant; and

I may have to pay any money that I have agreed to pay to the Court if I break this agreement; and

I may be convicted of an offence against the *Bail Act 1985* and **may be sent to prison for up to 2 years or fined up to \$10,000.**

Rules (Conditions)

General

- ☐ 1. I must be of good behaviour and obey the conditions of this Bail Agreement.
- ☐ 2. I must pay to the Court \$[amount] if I break any terms or conditions of this Bail Agreement.
- ☐ 3. I must provide security by personally depositing cash with the Court in the amount of \$[amount] to secure payment of a financial penalty as promised by me if I break any terms or conditions of this Bail Agreement.
- ☐ 4. I must come to Court
 - c. [on date, at time, at location, in court]
 - d. and at any other time when called on.

I must stay at Court until my matter has been heard unless a Court Officer tells me not to be in Court.

I understand the hearings I must attend include Court hearings about sentencing, appeals, and reviews of Court decisions.

Supervision

- ☐ 5. **Adult Only** I must be supervised by a Community Corrections Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
6. [BLANK]
- ☐ 7. **Youth Only** I must be supervised by a Department of Human Services (Youth Justice) Officer ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
8. [BLANK]
- ☐ 9. I must be supervised by a Treatment Intervention Court case manager ('my Supervising Officer') for the term of this Bail Agreement and I must obey their lawful directions.
10. [BLANK]
- ☐ 11. **default selected if Youth not selected, default Port Adelaide if bail accommodation support program selected** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to the offices of the Community Corrections Centre at [*location*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 12. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- ☐ 13. **Youth Only** I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- ☐ 14. **Adult Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, I receive a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- ☐ 15. **Youth Only** I must report [*within 2 working days of signing this Bail Agreement/immediately*] to my Supervising Officer by telephone on 1800 621 425 unless, within that period, I receive a notice from the Chief Executive of the Department of Human Services to the contrary.
- ☐ 16. **Adult Only** I must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
- ☐ 17. **Youth Only** I must go to school on every normal school day unless I have legal reason not to be there (eg being sick).
- ☐ 18. My Supervising Officer, or a delegate of that Officer, is authorised to reveal that I am subject to this Bail Agreement to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Bail Agreement.

Travel

- ☐ 19. **default selected if no supervision condition selected** I must not leave South Australia for any reason without the permission of a Judge or Magistrate.
- ☐ 20. **default selected if supervision condition selected** I must not leave South Australia for any reason without the written permission of the Chief Executive of the Department [*for Correctional Services/of Human Services*] or nominee
- ☐ 21. I can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. I must report to [*location*] by no later than [*time*] on [*date*].
- ☐ 22. I must give up any passport I have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
- ☐ 23. I must not enter any point of international departure such as an airport or seaport.

Firearms

- ☐ 24. *mandatory unless cogent reasons and no undue risk* I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- ☐ 25. *mandatory unless cogent reasons and no undue risk* I must submit to such tests (including testing without notice) for gunshot residue as may be reasonably required by a member of the South Australian Police.
- ☐ 26. I must hand in any firearm, ammunition or any part of a firearm owned or possessed by me as soon as I possibly can at the [*location*] Police Station.

Home Detention

- ☐ 27. *Adult Only* I must live at [*address*] and stay there while on bail. I must not leave at any time except for:
 - a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;
 - g. any other reason approved or directed by my Supervising Officer.
- ☐ 28. *Mandatory if serious and organised crime suspect* I must reside at [*address*] and remain at that place of residence while on bail, not leaving it except for one of the following purposes
 - a. necessary medical or dental treatment for me
 - b. averting or minimising a serious risk of death or injury (whether to me or some other person)
 - c. any other purpose approved by the Chief Executive of the Department [*for Correctional Services/of Human Services*].
- ☐ 29. *accommodation support program selected* I must live at the Bail Support Accommodation Program Facility, 77 Thomas Place, Port Adelaide 5013 and stay there while on bail. I must not leave at any time except for:
 - a. necessary medical or dental treatment;
 - b. avoiding or reducing a serious risk of death or injury (whether to me or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by my Supervising Officer;
 - d. going to a place to undergo assessment or treatment (or both) relating to my mental or physical condition as approved or directed by my Supervising Officer;
 - e. going to an intervention program as approved or directed by my Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by my Supervising Officer;

g. any other reason approved or directed by my Supervising Officer.

- ☐ 30. Youth only I must live at [address] and stay there while on Bail. I must not leave at any time except for:
- a. remunerated (paid) employment;
 - b. necessary medical or dental treatment;
 - c. going to school, work, or training or any other activity as required by the Court or as approved or directed by my Supervising Officer.
- ☐ 31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
- ☐ 32. When I am released from court, I must go straight to [address], so I can have an electronic transmitter fitted and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914].
- ☐ 33. When I am released from court, I must go straight to the offices of the Department [for Correctional Services/of Human Services] at [location] and I must report to my Supervising Officer so I can have an electronic transmitter fitted and then go straight to [address].
- ☐ 34. mandatory if serious and organised crime suspect When I am released from Court:
- a. I agree to be fitted with a device of a kind approved by the Chief Executive of the Department [for Correctional Services/of Human Services] for the purpose of monitoring compliance with the previous conditions and to comply with all reasonable directions of the Chief Executive Officer in relation to the device
 - b. I must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - c. I must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [that does not provide access to the internet]. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while I am electronically monitored.
 - d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - e. I must come to an entrance to the required address at the request of my Supervising Officer [or a Police Officer]. I understand that I can only be away from the house for reasons that are allowed in this Bail Agreement.
 - f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.
 - g. I must comply with any direction given by my Supervising Officer.
- ☐ 35. I give permission for the Department [for Correctional Services/of Human Services] to tell other people that I am under a home detention condition of Bail if that is needed to check my employment (work) or that I am obeying my Bail Agreement conditions.
- ☐ 36. If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
 - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.

Residence (place of living)

- ☐ 37. I must live at [address]
- ☐ 38. *Adult only* I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.
- ☐ 39. I must live where my Supervising Officer directs.
- ☐ 40. *Youth Only* I must live where [my Supervising Officer/the Department for Child Protection] directs, at first with [name].
- ☐ 41. I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - b. in line with the terms and conditions of this Bail Agreement.
- ☐ 42. *Youth only* I must stay at the required address between the hours of [time] and [time] and I must be at an entrance to that address if asked to by my Supervising Officer or a Police Officer, unless absent:
- a. for emergency medical or dental treatment, to avoid or reduce a serious risk of death or injury to myself or another or for any other reason approved by my Supervising Officer;
 - b. in line with the terms and conditions of this Bail Agreement;
 - c. in the company of [name/an adult approved by my Supervising Officer].
- ☐ 43. While a resident at the Bail Accommodation Support Program ('BASP'), I must obey all lawful directions of BASP staff. I must not assault, threaten, harass or intimidate any BASP staff or person living there.
- ☐ 44. *default selected if general residential condition selected* If an emergency requires me to move to another address:
- a. I must not move until I have obtained the permission of my Supervising Officer; and
 - b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and
 - c. the conditions of this Agreement will continue to apply as though the new address were specified in this Bail Agreement.
- ☐ 45. I must not live at [address(es)].
- ☐ 46. I must not live with [name(s)].

Monitoring

- ☐ 47. When I am released from Court, I:
- a. *default selected* must go straight to [address], so I can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when I get there, I must contact the Home Detention Unit of the Department [for Correctional Services/of Human Services] by telephone on [1300 796 199/1800 814 914];
 - b. *youth only* must remain in custody pending the availability of an electronic monitoring device;
 - c. must wear the electronic transmitter and obey the Department [for Correctional Services/of Human Services] rules of electronic monitoring, including charging the transmitter daily, for the term of this Bail Agreement.
 - d. must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence

or serious and organised crime suspect selected *[that does not provide access to the internet]*. I must give my contact details to my Supervising Officer so they can use it to get in touch with me at all times while electronically monitored.

- e. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
- f. must answer straight away to any calls or text messages from the Department *[for Correctional Services/of Human Services]* on the mobile phone number I have given.

Programs

- ☐ 48. I must go to an assessment at [Owenia House/Child and Adolescent Mental Health Service] as directed by my Supervising Officer. I must do what is asked of me, including taking part in treatment that is advised after the assessment.
- ☐ 49. **Adult Only** I must
 - a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and I must turn up to the appointment; and
 - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
- ☐ 50. I must go to an assessment and, if assessed as suitable, go to and complete any:
 - a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
 - b. educational, vocational or recreational programs;
 - c. intervention program;
 - d. programs and projects,that my Supervising Officer reasonably directs.
- ☐ 51. **Adult Only** I must pay *[amount in dollars or percentage of cost]* towards the cost of *[any course or treatment/specify courses or treatments]* required to be undertaken by me under the condition[s] above.

Communication

- ☐ 52. **Mandatory if serious and organized crime suspect** I must not communicate with any person other than *[specify person or class]*.
- ☐ 53. **mandatory if serious and organised crime suspect** I must not possess (have) any telephone, mobile phone, computer or other telecommunication device except *[specify device(s)]* and I must only use permitted device(s) for communication reasons.
- ☐ 54. I must not:
 - a. possess (have) or use any device that lets me communicate with any other person on the internet or freely browse or search on the internet except *[specify device(s)]* and unless I have permission beforehand from my Supervising Officer;
 - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
 - c. use any social media, networking or chat based applications on the internet or any electronic devices.

Association

- ☐ 55. I must not go near or stay near a child or person under the age of *[number]* years unless I am with a person approved by my Supervising Officer. I must sign all required forms and obey the directions of my Supervising Officer about the choice and approval of the approved person.
- ☐ 56. I must not go or stay within *[500 metres (half a kilometre)/other distance]* of any school, kindergarten or childcare centre.
- ☐ 57. I must not directly or indirectly approach, communicate with, contact, or go or stay within *[number]* metres of *[person(s) and/or class(es) of persons]*. Contact is only permitted at a court or tribunal hearing where the defendant is a party to or a witness in the proceeding. If I am under the supervision of a Supervising Officer, contact is permitted if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 58. I must not go or stay within *[number]* metres of the boundary of any place where *[name]* may live or work.
- ☐ 59. I must not *[go to [location]]* *[or]* go or stay within the area *[description of area, including boundaries]*. If I am under the supervision of a Supervising Officer, I may go or stay within that area if I have permission beforehand from, and comply with the conditions imposed by, my Supervising Officer.
- ☐ 60. mandatory if class 1 or class 2 offence unless cogent reasons and no risk to children I must not do any child related work and I must not apply for child related work except *[specify exception(s)]*.
- ☐ 61. I must not assault, harass, threaten or intimidate *[name]*.
- ☐ 62. I must obey the terms of any active Intervention Order.

Employment

- ☐ 63. I must tell my Supervising Officer of any change of employment within 2 working days of the change.

Drugs and Alcohol

- ☐ 64. I must not use
 - a. alcohol
 - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
 - c. *[other]*and I must have any tests that are needed to check if I am obeying these orders as directed by my Supervising Officer. I must sign all needed forms and obey all of the testing procedures.
- ☐ 65. I must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in my blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

Driver's Licence

- ☐ 66. I must not drive, or sit in the driver's seat of a motor vehicle, *[unless I hold a current driver's licence]*.

Other Conditions

- ☐ 67. I must not be released from custody until appropriate transport is arranged to facilitate my immediate transportation to *[nominated place/address]*.

- ☐ 68. *[other conditions]* provision for multiple additional conditions

Guarantee

- ☐ 69. I must give the Court a written guarantee from *[name, address, date of birth]*, in terms acceptable to the Court, in the sum of \$*[amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 70. I must give the Court a written guarantee from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$*[amount]* that they know me and they are confident that I will obey the conditions of this Bail Agreement.
- ☐ 71. I must obtain security from the Guarantor by depositing cash with the Court in the amount of \$*[amount]* to secure payment of a financial penalty by the Guarantor as promised by the Guarantor if I break any terms or conditions of this Bail Agreement.

Subject

I agree to this Bail Agreement. I have been provided with a copy of this Bail Agreement.

.....

Signature of person entering into bail agreement

.....

Name printed

Witness

.....

Signature of authorised witness

witness must be the Judicial Officer granting bail, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the person entering into the bail agreement is in a training centre, the person in charge of a prison if the person entering into the bail agreement is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is Judicial Officer granting bail

.....

Printed name and title of witness stamp here if applicable

.....

Date

In accordance with the Supreme Court Act 1935, the District Court Act 1991, the Magistrates Court Act 1991 and the Youth Court Act 1993 and all other enabling powers, the Uniform Special Statutory Rules (No 1) Amending 2023 have been made –

- as rules of the Supreme Court by 3 or more Judges of the Supreme Court; and
- as rules of the District Court by the Chief Judge and 2 or more other Judges of that Court; and
- as rules of the Magistrates Court by the Chief Magistrate and 2 or more other Magistrates; and
- as rules of the Youth Court by the Judge and the magistrates who are members of the principal judiciary of that Court,

and such rules will apply to and in relation to the Court in accordance with their terms.

Dated: 6 June 2023

CHIEF JUSTICE KOURAKIS
CHIEF JUDGE EVANS
ACTING CHIEF MAGISTRATE DIXON
JUDGE ELDRIDGE

All instruments appearing in this gazette are to be considered official, and obeyed as such
