

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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HOME DETENTION ORDER AND ACKNOWLEDGEMENT

Sentencing Act 2017 s 71

[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

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)
	Type (eg. Home; work; mobile) – Number		Another number
Phone Details			

Introduction

The [Defendant/Youth] of the above address, has been found guilty of count[s] [numbers] on the Information dated [date].

The [Defendant/Youth] is sentenced in relation to [the/these] count[s] to the following terms of [imprisonment/detention]: provision for multiple numbered paragraphs

Offence: [description]

Term of [imprisonment/detention]: [no of years] [no of months] [no of days]

This amounts to a total sentence of [imprisonment/detention] of [no of years] [no of months] [no of days].

A non-parole period of [no of years] [no of months] [no of days] has been set in relation to this sentence commencing on [date].

The Court has ordered that this sentence of [*imprisonment/detention*] be served on Home Detention conditions subject to the conditions set out below.

- The Youth named in this mandate has been sentenced to a term of detention, to be followed by a term of home detention as follows:

Term of Detention:

Period of Detention Ordered: [*details*]

Total sentence of detention to be served: [*details*]

Detention commencement date: [*details*]

Term of Home Detention

Period of Home Detention: [*details*]

Home Detention Commencement Date: on expiration of the term of detention

Address of Home Detention: [*details*]

Home Detention Order Conditions

General

1. **Mandatorily imposed by section 72 of the *Sentencing Act 2017* (SA).** The [*Defendant/Youth*] must be of good behaviour and obey the conditions of this Order.

Supervision

2. **Mandatorily imposed by section 72 of the *Sentencing Act 2017* (SA). Adult Only** The Defendant must be under the supervision of a Home Detention Officer of the Department for Correctional Services ('the Supervising Officer') for the term of this Order
3. **Mandatorily imposed by section 72 of the *Sentencing Act 2017* (SA). Adult Only** The Defendant must obey the lawful directions of their Supervising Officer.
4. **Mandatorily imposed by section 72 of the *Sentencing Act 2017* (SA). Youth Only** The Youth must be under the supervision of a Department of Human Services (Youth Justice) Officer ('the Supervising Officer')
5. **Mandatorily imposed by section 72 of the *Sentencing Act 2017* (SA). Youth Only** The Youth must obey the lawful directions of their Supervising Officer.
6. **Adult Only** The Defendant must report [*within 2 working days of this Order/immediately*] to the offices of the Community Corrections Centre at [*location*] unless, within that period, the Defendant receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
7. **Adult Only** The Defendant must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
8. **Youth Only** The Youth must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
9. **Adult Only** The Defendant must report [*within 2 working days of this Order/immediately*] to the Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, the Defendant receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
10. **Youth Only** The Youth must report [*within 2 working days of this Order/immediately*] to the Supervising Officer by telephone on 1800 621 425 unless, within that period, the Youth receives a notice from the Chief Executive of the Department of Human Services to the contrary
11. **[BLANK].**

12. **Youth Only** The Youth must go to school on every normal school day unless there is a legal reason for the Youth not to be there (eg being sick).
13. The [Defendant/Youth]'s Supervising Officer, or a delegate of that Officer, is authorised to reveal that the [Defendant/Youth] is subject to this Order to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Order.

Travel

14. default selected if no supervision condition selected The [Defendant/Youth] must not leave South Australia for any reason without the written permission of:
- a Judge or Magistrate; or
 - a police officer who is at or above the rank of sergeant; or
 - a police officer who is the responsible officer for a police station
15. default selected if supervision condition selected The [Defendant/Youth] must not leave South Australia for any reason without the written permission of the Chief Executive of the [Department for Correctional Services / Department of Human Services] or nominee.
16. The [Defendant/Youth] can leave South Australia to travel to [location] between [date] and [date], both dates inclusive. The [Defendant/Youth] must report to [location] by no later than [time] on [date]. provision for multiple
17. 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.
18. The [Defendant/Youth] must not enter any point of international departure such as an airport or seaport.

Firearms

19. Mandatorily imposed by section 72 of the Sentencing Act 2017 (SA). The [Defendant/Youth] is prohibited from possessing a firearm (gun of any sort), ammunition or any part of a firearm.
20. Mandatorily imposed by section 72 of the Sentencing Act 2017 (SA). The [Defendant/Youth] must submit to such tests (including testing without notice) for gunshot residue or relating to drug use as may be reasonably required by the Supervising Officer or a member of the South Australian Police.
21. The [Defendant/Youth] must hand in any firearm, ammunition or any part of a firearm owned or possessed by the [Defendant/Youth] as soon as possible at the [location] Police Station.

Home Detention

22. Adult Only. The Defendant must remain at [address] throughout the period of this Order and not leave [address] at any time during that period except for the following purposes:
- a. attendance at such remunerated employment at such times and places as approved from time to time by the Supervising Officer;;
 - b. urgent medical or dental treatment for the Defendant;
 - c. attendance at a place for the purpose of undergoing assessment or treatment (or both) relating to the Defendant's mental or physical condition as approved or directed by the Supervising Officer;
 - d. attendance at an intervention program as approved or directed by the Supervising Officer;
 - e. attendance at any other course of education, training or instruction, or other activity as approved or directed by the Supervising Officer;. or
 - f. any other purposes as approved or directed by the Supervising Officer.
23. Youth only The Youth must remain at [address] throughout the period of this Order and not leave [address] at any time during that period except for the following purposes:
- a. attendance at such remunerated employment at such times and places as approved from time to time by the Supervising Officer this Order;
 - b. urgent medical or dental treatment for the Youth;
 - c. attendance at a place for the purpose of undergoing assessment or treatment (or both) relating to

the person's mental or physical condition as approved or directed by the Supervising Officer.

- d. attendance at an intervention program as approved or directed by the Supervising Officer;
 - e. attendance at any other course of education, training or instruction, or other activity as approved or directed by the Supervising Officer; or
 - f. any other purposes as approved or directed by the Supervising Officer.
24. [BLANK]
25. The [Defendant/Youth] must not leave the court building or current institution until they have been fitted with an electronic transmitter.
26. When the [Defendant/Youth] is released from court, the [Defendant/Youth] must go straight to [address], so they can have an electronic transmitter fitted and when the [Defendant/Youth] gets there, they must contact the Home Detention Unit of the [Department for Correctional Services/Department of Human Services] by telephone on [1300 796 199/1800 814 914].
27. When the [Defendant/Youth] is released from court, the [Defendant/Youth] must go straight to the offices of the [Department for Correctional Services/Department of Human Services] at [location] and the [Defendant/Youth] must report to the Supervising Officer so they can have an electronic transmitter fitted and then go straight to [address].
28. **Mandatorily imposed by section 72 of the Sentencing Act 2017 (SA).** When the [Defendant/Youth] is released from Court
- a. the [Defendant/Youth] must be fitted with an electronic device of a kind approved under section 4 of the *Correctional Services Act 1982* (SA) by the Chief Executive Officer for the purpose of monitoring and must comply with all reasonable directions of the Chief Executive Officer in relation to the device.
 - b. the [Defendant/Youth] 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 Order.
 - c. the [Defendant/Youth] 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]. The [Defendant/Youth] must give their contact details to the Supervising Officer so they can use it to get in touch with them at all times while the [Defendant/Youth] is electronically monitored.
 - d. the [Defendant/Youth] must not do any water related sport or activity at any time unless this has been approved beforehand by the Supervising Officer.
 - e. the [Defendant/Youth] must come to an entrance to the required address at the request of the Supervising Officer [or a Police Officer]. The [Defendant/Youth] must understand that they can only be away from the house for reasons that are allowed in this Order.
 - f. the [Defendant/Youth] must answer any calls or text messages from the Supervising Officer straight away on the mobile phone number the [Defendant/Youth] has given.
29. The [Department for Correctional Services/Department of Human Services] may tell other people that the [Defendant/Youth] is under a home detention condition of this Order if that is needed to check the [Defendant/Youth]'s employment (work) or that the [Defendant/Youth] is obeying their Order conditions.
30. If an emergency requires the [Defendant/Youth] to move to another address:
- a. The [Defendant/Youth] must not move until the [Defendant/Youth] has obtained the permission of the Supervising Officer; and
 - b. The [Defendant/Youth] must apply to the Court for a variation of the conditions of this Order within 2 working days; and
 - c. the conditions of this Order will continue to apply as though the new address were specified in this Order.

Monitoring

31. [BLANK]

Community Service

32. The [Defendant/Youth] must do [number] hours of community service within [no] of months from the date of this Order until the hours of community service are complete, unless otherwise notified by the Minister for [Correctional Services/ Human Services] or ordered by the Court.

Programs

33. The [Defendant/Youth] must go to an assessment at [Owenia House/the Child and Adolescent Mental Health Services Adolescent Sexual Assault Prevention Program] as directed by the Supervising Officer. The [Defendant/Youth] must do what is asked of them, including taking part in treatment that is advised after the assessment.
34. **Adult Only** The Defendant 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 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.
35. The [Defendant/Youth] 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 the Supervising Officer reasonably directs.
36. **Not displayed if Youth** The Defendant 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 the Defendant under the condition[s] above.

Communication

37. **mandatory if serious and organised crime suspect** The [Defendant/Youth] must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [specify device(s)] and the [Defendant/Youth] must only use permitted device(s) for communication reasons.
38. The [Defendant/Youth] must not:
- a. possess (have) or use any device that lets the [Defendant/Youth] communicate with any other person on the internet or freely browse or search on the internet except [specify device(s)] and unless the [Defendant/Youth] has permission beforehand from the 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

39. The [Defendant/Youth] must not go near or stay near a child or person under the age of [number] years unless the [Defendant/Youth] is 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.
40. The [Defendant/Youth] must not go or stay within [500 metres (half a kilometre)/other distance] of any school, kindergarten or childcare centre.

- 41. 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] unless the [Defendant/Youth] has permission beforehand from the Supervising Officer.
- 42. The [Defendant/Youth] must not go or stay within [number] metres of the boundary of any place where [name] may live or work.
- 43. The [Defendant/Youth] must not [go to [location] [or] go or stay within the area [description of area, including boundaries] unless the [Defendant/Youth]:
 - a. is with a person approved by the Supervising Officer; or
 - b. has permission beforehand from the Supervising Officer.
- 44. The [Defendant/Youth] must not do any child related work and must not apply for child related work except [specify exception(s)].
- 45. The [Defendant/Youth] must not assault, harass, threaten or intimidate [name].
- 46. The [Defendant/Youth] must obey the terms of any active Intervention Order.

Employment

- 47. The [Defendant/Youth] must tell the Supervising Officer of any change of employment within 2 working days of the change.

Drug and Alcohol

- 48. The [Defendant/Youth] 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 must have any tests that are needed to check if the [Defendant/Youth] is obeying these orders as directed by the Supervising Officer. The [Defendant/Youth] must sign all needed forms and obey all of the testing procedures.

- 49. The [Defendant/Youth] must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in the [Defendant/Youth]'s blood or oral fluid (saliva), unless the drug was prescribed by a doctor or is available in some other legal way.

Driver's Licence

- 50. The [Defendant/Youth] must not drive or sit in the driver's seat of a motor vehicle, [unless the [Defendant/Youth] holds a current driver's licence].

Other Conditions

- 51. The [Defendant/Youth] must not be released from custody until appropriate transport is arranged to facilitate their immediate transportation to [nominated place/address].
- 52. [other conditions] provision for multiple additional conditions

What will happen if you obey with conditions of this order

If, at the end of the period of [detention/imprisonment] specified above, (or non-parole period as the case may be), you have complied with all of the above conditions, the sentence[s] of [imprisonment/detention] ordered by the Court will not have to be served in a [prison/training centre] and your sentence will have been served or you will be released on parole.

What can happen if you fail to obey with conditions of this order

If you fail to obey any part of the order set out above, this order may be revoked and the sentence of [detention/imprisonment] which you were to serve on home detention can be carried into effect to be served in a [prison/training centre]. In the case of a breach of a community service condition, you may be ordered to serve further time in a [prison/training centre] on the basis of 1 day for every 7.5 hours of community service (or part thereof) not done.

Acknowledgement by [Defendant/Youth]

I acknowledge that I have received a copy of the Home Detention Order. I understand its conditions and I understand what will happen if I fail to obey these conditions.

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

.....
Name printed

.....
Date

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 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 sentencing Judicial Officer

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

.....
Date