

To be inserted by Court

Case Number:

Date Filed:

FDN:

## ORDER – VARIATION OF OBLIGATION AND ACKNOWLEDGEMENT

Young Offenders Act 1993 s 26

YOUTH COURT OF SOUTH AUSTRALIA  
CRIMINAL JURISDICTION

**[FULL NAME]**  
Applicant

v

**[FULL NAME]**  
Respondent

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 if any	Date of Birth	Driver's Licence no (if any)	
Phone Details	Type (e.g. Home; work; mobile) – Number	Another number	

### Introduction

The Youth was ordered on *[date]* to be subject to an Obligation in case number *[number]*.

The Court has made an order varying the terms of the Obligation. The terms as varied are set out below.

### Obligation

#### Details

Term of Obligation: *[no of years]* *[no of months]* *[no of weeks]* *[no of days]* commenced on *[date]*.

Amount of Obligation: *[\$amount]*

The Youth understands that:

- if at the end of the term of this Obligation the Youth has complied with the conditions of the Obligation set out below, the Obligation will lapse automatically
- if the Youth fails to obey the conditions of this Obligation, the Youth may:
- be charged with the offence of Breaching this Obligation with the maximum penalty for that charge being \$2,500, or detention for 6 months, or both; and/or
  - be ordered to pay the above amount of the Obligation, or any lesser amount fixed by the Court.

### Rules (Conditions)

#### General

1. The Youth must be of good behaviour and obey the conditions of this Obligation.

#### Supervision

- 2. The Youth must be supervised by a Department of Human Services (Youth Justice) Officer ('the Supervising Officer') for the term of this Obligation and must obey their lawful directions.
- 3. The Youth must be supervised by a Department of Human Services (Youth Justice) Officer ('the Supervising Officer') for a period of *[no of years] [no of months] [no of weeks] [no of days]* and must obey their lawful directions.
- 4. The Youth must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- 5. The Youth must report *[within 2 working days of signing this Obligation/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.
- 6. 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).
- 7. The Youth's Supervising Officer, or a delegate of that Officer, is authorised to reveal that the Youth is subject to this Obligation to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Obligation.

#### Travel

- 8. default selected if no supervision condition selected The 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.
- 9. default selected if supervision condition selected The Youth must not leave South Australia for any reason without the written permission of the Chief Executive of the Department of Human Services or the Youth's Supervising Officer.
- 10. The Youth can leave South Australia to travel to *[location]* between *[date]* and *[date]*, both dates inclusive. The Youth must report to *[location]* by no later than *[time]* on *[date]*. Provision for multiple
- 11. The Youth must give up any passport they have to the Registrar of the *[Court]* at *[location]* and must not apply for a new passport.
- 12. The Youth must not enter any point of international departure such as an airport or seaport.

#### Firearms

- 13. The Youth must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- 14. The Youth 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.

15. The Youth must hand in any firearm, ammunition or any part of a firearm owned or possessed by the Youth as soon as possible at the *[location]* Police Station.

### Residence (place of living)

16. The Youth must live at *[address]*
17. The Youth must live where the Supervising Officer directs.
18. The Youth must live where the *[Supervising Officer/Department for Child Protection]* directs, at first with *[name]*.
19. The Youth must stay at the required address between the hours of *[time]* and *[time]* and the 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 Youth or another or for any other reason approved by the Supervising Officer;
  - b. in line with the terms and conditions of this Obligation.
20. The Youth must stay at the required address between the hours of *[time]* and *[time]* and the 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 Youth or another or for any other reason approved by the Supervising Officer;
  - b. in line with the terms and conditions of this Obligation;
  - c. in the company of *[name/an adult approved by the Supervising Officer]*.
21. default selected if general residential condition selected If an emergency requires the Youth to move to another address:
- a. the Youth must not move until they have obtained the permission of the Supervising Officer; and
  - b. the Youth must apply to the Court for a variation of the conditions of this Obligation within 2 working days; and
  - c. the conditions of this Obligation will continue to apply as though the new address were specified in this Obligation.
22. The Youth must not live at *[address(es)]*.
23. The Youth must not live with *[name(s)]*.

### Monitoring

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

### Community Service

25. The Youth must do *[number]* hours of community service within *[no]* of months from the date of this Obligation until the hours of community service are complete, unless otherwise notified by the Minister for Human Services or ordered by the Court and obey the lawful directions of the Department of Human Services (Youth Justice) Officer to whom they are assigned for the purposes of supervision of their performance of community service during that period.

### Programs

26. The Youth must go to an assessment at the Child and Adolescent Mental Health Services Adolescent Sexual Assault Prevention Program as directed by the Supervising Officer. The Youth must do what is asked of them, including taking part in treatment that is advised after the assessment.
27. The 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.

### Communication

28. The Youth must not possess (have) any telephone, mobile phone, computer or other telecommunication device except *[specify device(s)]* and the Youth must only use permitted device(s) for communication reasons.
29. The Youth must not:
- a. possess (have) or use any device that lets the Youth communicate with any other person on the internet or freely browse or search on the internet except *[specify device(s)]* and unless the 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;
  - c. use any social media, networking or chat based applications on the internet or any electronic devices.

### Association

30. The Youth must not go near or stay near a child or person under the age of *[number]* years unless the Youth is with a person approved by the Supervising Officer. The Youth must sign all required forms and obey the directions of the Supervising Officer about the choice and approval of the approved person.
31. The Youth must not go or stay within *[500 metres (half a kilometre)/other distance]* of any school, kindergarten or childcare centre.
32. The 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 Youth has permission beforehand from the Supervising Officer.
33. The Youth must not go or stay within *[number]* metres of the boundary of any place where *[name]* may live or work.
34. The Youth must not *[go to [location] [or] go or stay within the area [description of area, including boundaries]]* unless the Youth:
- a. is with a person approved by the Supervising Officer or
  - b. has permission beforehand from the Supervising Officer.
35. The Youth must not do any child related work and must not apply for child related work except *[specify exception(s)]*.
36. The Youth must not assault, harass, threaten or intimidate *[name]*.

- 37. The Youth must obey the terms of any active Intervention Order.

**Employment**

- 38. The Youth must tell the Supervising Officer of any change of employment within 2 working days of the change.

**Drug and Alcohol**

- 39. The 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 Youth is obeying these orders as directed by the Supervising Officer. The Youth must sign all needed forms and obey all of the testing procedures.

- 40. The 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 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**

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

**Other conditions**

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

**Youth**

I acknowledge that I have received a copy of the varied Obligation.

.....  
Signature of 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 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