

To be inserted by Court

Case Number:

Date Filed:

FDN:

SUSPENDED SENTENCE OBLIGATION VARIED
Sentencing Act 2017 s 96, 103, 114; Young Offenders Act 1993 s 26

YOUTH COURT OF SOUTH AUSTRALIA
OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Subject of Suspended Sentence Obligation

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

Introduction

The Subject was found guilty of count[s] [*number(s)*] on the Information dated [*date*] in case number [*number*].

The Court ordered in case number [*number*] that the Subject be discharged [*with/without*] conviction and without penalty being imposed if the Subject entered into a Suspended Sentence Obligation and the Subject did so on [*date*].

On [*date*] the Court varied the terms of the Obligation so that from that date the terms are now as set out below.

Suspended Sentence Obligation

Details

- Term of Obligation: [*no of years*] [*no of months*] [*no of weeks*] [*no of days*] which commenced on [*date*]
- Previous Term of Obligation: [*no of years*] [*no of months*] [*no of days*] which commenced on [*date*]
- Extended Term of Obligation: [*no of years*] [*no of months*] [*no of days*] which commenced on [*date*]

Amount of Obligation: \$[*amount*]

The Subject understands that:

- if at the end of the term of this Obligation the Subject has complied with the conditions of the Obligation set out below, the Obligation will lapse automatically. If that happens the Subject will not be required to come back to Court and the Subject cannot be punished further for the offence/s to which this Obligation relates;

if the Subject fails to obey the conditions of this Obligation, the Subject may be brought back to Court and the Court may cancel the suspension of the detention related to this Obligation and **the Subject will have to serve the sentence of detention**, or such lesser term as may be set by the Court.

Rules (Conditions)

General

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

Supervision

2. The Subject 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 Subject 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 Subject must report [*within 2 working days of signing this Obligation/immediately*] to the offices of the Community Youth Justice Centre at [*location*] unless, within that period, the Subject receives a notice from the Chief Executive of the Department of Human Services to the contrary.
5. The Subject must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
6. The Subject 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 Subject receives a notice from the Chief Executive of the Department of Human Services to the contrary.
7. The Subject must go to school on every normal school day unless there is a legal reason for the *Subject* not to be there (eg being sick).
8. The Subject's Supervising Officer, or a delegate of that Officer, is authorised to reveal that the Subject 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

9. default selected if no supervision condition selected The Subject 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.

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

Firearms

14. The Subject must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
15. The Subject 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.
16. The Subject must hand in any firearm, ammunition or any part of a firearm owned or possessed by the Subject as soon as possible at the *[location]* Police Station.

Residence (place of living)

17. The Subject must live at *[address]*
18. The Subject must live where the Supervising Officer directs.
19. The Subject must live where the *[Supervising Officer/Department for Child Protection]* directs, at first with *[name]*.
20. The Subject must stay at the required address between the hours of *[time]* and *[time]* and the Subject 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 Subject or another or for any other reason approved by the Supervising Officer;
 - b. in line with the terms and conditions of this Obligation.
21. The Subject must stay at the required address between the hours of *[time]* and *[time]* and the Subject 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 Subject 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]*.
22. default selected if general residential condition selected If an emergency requires the Subject to move to another address:
 - a. the Subject must not move until they have obtained the permission of the Supervising Officer; and
 - b. the Subject 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.
23. The Subject must not live at *[address(es)]*.
24. The Subject must not live with *[name(s)]*.

Monitoring

25. When the Subject is released from Court:
 - a. default selected the Subject must go straight to *[address]*, so the Subject can have an electronic transmitter fitted following words displayed if address is home address rather than Department address and when the Subject gets

there, the Subject must contact the Home Detention Unit of the Department of Human Services by telephone on 1800 814 914.

- b. the Subject must remain in custody pending the availability of an electronic monitoring device
- c. the Subject 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 Subject must always be contactable by mobile telephone [*that does not provide access to the internet*]. The Subject must give their contact details to the Supervising Officer so they can use it to get in touch with the Subject at all times while electronically monitored.
- e. the Subject must not do any water related sport or activity at any time unless this has been approved beforehand by the Supervising Officer.
- f. the Subject must answer straight away to any calls or text messages from the Department of Human Services on the mobile phone number the Subject has given.

Community Service

- 26. The Subject 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

- 27. The Subject 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 Subject must do what is asked of them, including taking part in treatment that is advised after the assessment.
- 28. The Subject 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

- 29. The Subject must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and the Subject must only use permitted device(s) for communication reasons.
- 30. The Subject must not:
 - a. possess (have) or use any device that lets the Subject communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless the Subject 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

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

Employment

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

Drug and Alcohol

- 40. The Subject 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 Subject is obeying these orders as directed by the Supervising Officer. The Subject must sign all needed forms and obey all of the testing procedures.
- 41. The Subject must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in the Subject'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

- 42. The Subject must not drive, or sit in the driver's seat of a motor vehicle, *[unless the Subject holds a current driver's licence]*.

Other conditions

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

Subject

I acknowledge that I have received a copy of the Suspended Sentence Obligation. I understand its conditions and I understand what will happen if I fail to obey these conditions.

.....
Signature of Subject

.....
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