

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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**ORDER – VARIATION OF HOME DETENTION ORDER AND
ACKNOWLEDGEMENT**
Sentencing Act 2017 s 71 and 73

[SUPREME/DISTRICT/MAGISTRATES/YOUTH/ENVIRONMENT RESOURCES AND DEVELOPMENT] Select one
COURT OF SOUTH AUSTRALIA
CRIMINAL JURISDICTION

[FULL NAME]
Applicant

v

[FULL NAME]
Respondent

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

<p>Introduction</p> <p><input type="checkbox"/> The [Defendant/Youth] was on [date] in case number [number] sentenced to a term or terms of [imprisonment/detention] totalling [no of years] [no of months] [no of days].</p> <p style="padding-left: 20px;">A non-parole period of [no of years] [no of months] [no of days] was set commencing on [date].</p> <p style="padding-left: 20px;">The Court ordered that this sentence of [imprisonment/detention] be served on Home Detention conditions.</p> <p><input type="checkbox"/> The Youth was on [date] in case number [number] sentenced to a term of detention, to be followed by a term of home detention as follows:</p> <p style="padding-left: 20px;">Term of Detention:</p>
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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]*

The Court has made an order varying the conditions of the Home Detention Order. The terms as varied are set out below.

Home Detention Order Conditions

General

1. **Mandatorily imposed by section 72 of the Sentencing Act 2017 (SA).** The Respondent 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 Respondent 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 Respondent must obey the lawful directions of their Supervising Officer.
- 4. **Mandatorily imposed by section 72 of the Sentencing Act 2017 (SA). Youth Only** The Respondent 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 Respondent must obey the lawful directions of their Supervising Officer.
- 6. **Adult Only** The Respondent 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 Respondent receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 7. **Adult Only** The Respondent must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- 8. **Youth Only** The Respondent must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- 9. **Adult Only** The Respondent 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 Respondent receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 10. **Youth Only** The Respondent 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 Respondent receives a notice from the Chief Executive of the Department of Human Services to the contrary
- 11. **[BLANK].**
- 12. **Youth Only** The Respondent must go to school on every normal school day unless there is a legal reason for the *Respondent* not to be there (eg being sick).

13. The Respondent's Supervising Officer, or a delegate of that Officer, is authorised to reveal that the Respondent 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 Respondent 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 Respondent 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 Respondent can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. The Respondent must report to [*location*] by no later than [*time*] on [*date*]. provision for multiple
17. The Respondent 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 Respondent 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 Respondent 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 Respondent 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 Respondent must hand in any firearm, ammunition or any part of a firearm owned or possessed by the Respondent as soon as possible at the [*location*] Police Station.

Home Detention

22. Adult Only. The Respondent 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 Respondent;
 - c. attendance at a place for the purpose of undergoing assessment or treatment (or both) relating to the Respondent'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 Respondent 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 Respondent;
 - 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 Respondent must not leave the court building or current institution until they have been fitted with an electronic transmitter.
- 26. When the Respondent is released from court, the Respondent must go straight to [address], so they can have an electronic transmitter fitted and when the Respondent 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 Respondent is released from court, the Respondent must go straight to the offices of the [Department for Correctional Services/Department of Human Services] at [location] and the Respondent 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 Respondent is released from Court
 - a. the Respondent 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 Respondent 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 Respondent 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 Respondent 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 Respondent is electronically monitored.
 - d. the Respondent must not do any water related sport or activity at any time unless this has been approved beforehand by the Supervising Officer.
 - e. the Respondent must come to an entrance to the required address at the request of the Supervising Officer [or a Police Officer]. The Respondent must understand that they can only be away from the house for reasons that are allowed in this Order.
 - f. the Respondent must answer any calls or text messages from the Supervising Officer straight away on the mobile phone number the Respondent has given.
- 29. The [Department for Correctional Services/Department of Human Services] may tell other people that the Respondent is under a home detention condition of this Order if that is needed to check the Respondent's employment (work) or that the Respondent is obeying their Order conditions.
- 30. If an emergency requires the Respondent to move to another address:
 - a. The Respondent must not move until the Respondent has obtained the permission of the Supervising Officer; and
 - b. The Respondent 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.

31. [BLANK]

Community Service

- 32. The Respondent 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 Respondent 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 Respondent must do what is asked of them, including taking part in treatment that is advised after the assessment.
34. **Adult Only** The Respondent 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 Respondent 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 Respondent 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 Respondent under the condition[s] above.

Communication

37. **mandatory if serious and organised crime suspect** The Respondent must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and the Respondent must only use permitted device(s) for communication reasons.
38. The Respondent must not:
- a. possess (have) or use any device that lets the Respondent communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless the Respondent 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 Respondent must not go near or stay near a child or person under the age of [*number*] years unless the Respondent is with a person approved by the Supervising Officer. The Respondent must sign all required forms and obey the directions of the Supervising Officer about the choice and approval of the approved person.
40. The Respondent must not go or stay within [*500 metres (half a kilometre)/other distance*] of any school, kindergarten or childcare centre.
41. The Respondent 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 Respondent has permission beforehand from the Supervising Officer.
42. The Respondent must not go or stay within [*number*] metres of the boundary of any place where [*name*] may live or work.

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

Employment

47. The Respondent must tell the Supervising Officer of any change of employment within 2 working days of the change.

Drug and Alcohol

48. The Respondent 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 Respondent is obeying these orders as directed by the Supervising Officer. The Respondent must sign all needed forms and obey all of the testing procedures.
49. The Respondent must not drive, or sit in the driver's seat of, a motor vehicle while any alcohol or any other drug is in the Respondent'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 Respondent must not drive or sit in the driver's seat of a motor vehicle, *[unless the Respondent holds a current driver's licence]*.

Other Conditions

51. The Respondent 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 varied 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