

SUPPLEMENTARY GAZETTE



**THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE**

PUBLISHED BY AUTHORITY

ADELAIDE, FRIDAY, 22 DECEMBER 2023

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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 3) 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 3) Amending Rules 2023.

1. These Rules may be cited as the *Joint Criminal (No 3) Amending Rules 2023*.
2. The *Joint Criminal Rules 2022* (“the Rules”) are amended as set out below.
3. The amendments made by these rules come into effect on the later of—
 - (a) Monday 1 January 2024; or
 - (b) the date of their publication in the Gazette.
4. A new subrule 24.2(4A) is inserted immediately after subrule 24.2(4) as follows:
“(4A) A law firm is to be regarded as representing a defendant in a proceeding in a Higher Court from the commencement of that proceeding if the defendant was committed by a Lower Court for trial or sentence and the law firm was regarded as representing that defendant or youth in the proceeding in the Lower Court at the time of committal for trial or sentence.”
5. A new subrule 24.3(1A) is inserted immediately after subrule 24.3(1) as follows:
“(1A) When a law firm is to be regarded as representing a defendant as a result of the operation of subrule 24.2(4A), the person who was the responsible solicitor at that law firm in the proceeding in the Lower Court at the time of committal for trial or sentence is to be regarded as the responsible solicitor at that law firm in the proceeding in the Higher Court from the commencement of that proceeding in the Higher Court.”
6. Rule 38.5 is deleted and substituted as follows:

“38.5—Appearance by audio link or audio visual link

- (1) The Court may direct or permit one or more participants (parties, lawyers and witnesses) to appear at a hearing remotely by audio link or by audio visual link.

Note—

Appearance remotely is an exception to the general rule that appearances of parties, lawyers and witnesses is in person and a remote appearance therefore needs to be justified in the circumstances.

Some other rules provide for remote appearances. They include rules 38.3, 77.2, 99.2, 101.1, 102.1(3)(c), 107.2, 129.3, 130.6 and 183.8.

- (2) Unless the Court otherwise orders, the costs incurred by the Court in conducting an audio visual hearing at the request of a party must be paid by the requesting party.

Remote appearance by party or lawyer

- (3) A request for a party or lawyer to appear by audio link or by audio visual link must be made by—
 - (a) an interlocutory application in the prescribed form;

Prescribed form—

Form 92D Interlocutory Application for Hearing by Audio or Audiovisual Link

- (b) oral application at a prior hearing;
 - (c) ticking the remote appearance box on a form filed using the Electronic System; or
 - (d) email sent to the chambers of the judicial officer before whom the hearing is to be conducted.
- (4) A request under subrule (3) must identify the reason why the party or lawyer seeks to appear remotely rather than in person.
 - (5) A request under subrule (3) must be made to the Court in sufficient time before the hearing to allow the Court to decide whether to allow the request and, if so, make appropriate arrangements.
 - (6) If the Court is unable to contact the party or lawyer at any time within 15 minutes after the time appointed for the hearing at the nominated facility, or by the nominated audio visual link number, the party or lawyer will be regarded as having failed to appear at the hearing for the purposes of these Rules.

Remote appearance by witness

- (7) An application for a witness to appear by audio link or by audio visual link must be made by—
 - (a) an interlocutory application in the prescribed form supported by an affidavit in the prescribed form; or

Prescribed forms—

Form 92D Interlocutory Application for Hearing by Audio or Audiovisual Link

Form 93 Affidavit

- (b) oral application at a prior hearing.
- (8) An application under subrule (7) must identify the reason why the requesting party seeks that the witness appear remotely rather than in person.
- (9) An application under subrule (7) must be made to the Court—
- (a) in sufficient time before the hearing to allow the Court to decide whether to allow the application and, if so, make appropriate arrangements; and
- (b) in any event at least seven days before the hearing at which the evidence is to be given.”
7. A new subrule 38.9(3) is inserted immediately after subrule 38.9(2) as follows:
- “(3) Written submissions or a summary of argument must include at the end of the document the name of counsel who settles the document (if applicable) or, if no counsel did so, the name of the solicitor who is responsible for the document (when a law firm is acting for the party).”
8. A new subrule 38.9(4) is inserted immediately after the new subrule 38.9 (3) as follows:
- “(4) In this rule, “counsel” and “solicitor” include a sworn police prosecutor or prosecuting solicitor referred to in Chapter 2 Part 4 Division 3 of these Rules.”
9. A new rule 38.17 is inserted immediately after rule 38.16 as follows:
- “38.17—Requirement to produce hard copies**
- If a party intends to put to a witness or tender in evidence a document at trial or a hearing, the party must provide to the Court two hard copies of that document at or before the time of putting or tender.”
10. Rule 41.7(3) is amended by:
- (a) deleting the words in paragraph (d) and substituting the words “a delegate of any of these persons”; and
- (b) inserting a new paragraph (e) immediately after paragraph (d) as follows:
- “(e) any other person or class of persons specified by the Court.”
11. A new Division 8—Sentencing material is inserted immediately after Division 7—Sentencing conferences in Part 2 of Chapter 7 as follows:
- “Division 8—Sentencing material**
- 148.1A – Sentencing material filed**
- When material is filed for the purposes of sentencing (including without limitation reports, victim or community impact statements or references), it must be filed by accompanying a sentencing material form in the prescribed form.
- Prescribed form—**
- Form 136 Sentencing material.”
12. Subrule 171.1(1) is amended to substitute the words “269ND or 269P” for the words “269ND, 269P or 269UC”
13. A Note is inserted immediately after subrule 193.1(1) as follows:
- “Note—**
- Under rule 40.2, unless the Court orders otherwise, an order or judgment takes effect, when the Court pronounces it orally in court, at the end of the hearing when the pronouncement is made or, if the Court pronounces it other than at a hearing, when the Court communicates its terms to the parties. Time to appeal begins to run when the order or judgment takes effect under those rules. Time does not begin to run if the Court merely delivers reasons for judgment but does not yet make orders.”
14. A new rule 193.2A is inserted immediately after rule 193.2 as follows:
- “193.2A – Information Sheet**
- (1) The appellant must serve on each other party a draft information sheet in the prescribed form at the same time as filing a notice of appeal under rule 193.2.
- Prescribed forms—**
- Form 182A Information Sheet
- (2) The respondent must serve on the appellant any changes or additions it seeks to be added to the information sheet not more than 7 days after the draft information sheet has been served under subrule (1).
- (3) The appellant must file and serve on each party a completed information sheet not more than 14 days after the draft information sheet has been served under subrule (1).”
15. In the index to Schedule 2, the words “Form 21B—Interlocutory Application for Review of Bail by Telephone” are deleted and substituted by the words “Form 21B—Interlocutory Application for Review of Bail by Audio Link”.
16. In Schedule 2, Form 21B—Interlocutory Application for Review of Bail by Telephone is deleted and substituted as follows:

Form 21B

INTERLOCUTORY APPLICATION FOR REVIEW OF BAIL BY AUDIO LINK

Bail Act 1985 s 15

[MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA

CRIMINAL JURISDICTION

[FULL NAME]

Informant

v

[FULL NAME]

Defendant/Youth

Date of Application: [date]

Applicant for bail review		
	Party title	Full Name of party
Name of law firm/office <small>if applicable</small>	Law firm/office	Name of responsible solicitor

Application details

The Applicant is charged with [list offences at least by reference to name and Act and section if statutory offences].

The Applicant applies to a Magistrate to review the decision of a bail authority, namely [bail authority] [refusing bail/granting bail on condition that [condition complained of]] made at [location] on [date].

Result of Application

Name of Magistrate contacted: [name]

Date contact made: [date]

Time of contact: [time]

Result of review: Bail [refused/granted select one on terms that [terms]]

..... Signature of Police Officer who contacted the Magistrate
..... Name printed [<i>full name</i>]
..... Date

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

Form 25

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

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 audio visual link 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 audio visual link 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 audio visual link 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 audio visual link 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 audio visual link 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 audio visual link 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 audio visual link 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 audio visual link, 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.

Youth Aboriginal Community Court Adelaide Conditions

- ☐ 72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
- ☐ 74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

[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

18. 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:
 - 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:
- 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:
 - 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

L T

- ☐ 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.

Youth Aboriginal Community Court Adelaide Conditions

- ☐ 72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
- ☐ 74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

[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

19. 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 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 269U 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

- (a) The [defendant/youth] is charged with an offence or offences in the Court.
- (b) 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]

20. In Schedule 2, Form 100A—Order – Firearms Order and Acknowledgement is deleted and substituted as follows:

Form 100A

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER – FIREARMS ORDER AND ACKNOWLEDGEMENT

Firearms Act 2015 s 66(2)

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

<p>Introduction</p> <p>Hearing</p> <p>Hearing Location: [Enter suburb]</p> <p>[Enter Hearing date]</p> <p>[Enter Presiding Officer]</p> <p>Appearances</p> <p>[Enter Informant/R Appearance Information]</p> <p>[Enter Defendant/Youth Appearance Information]</p> <p>Remarks</p> <p>(a) The Court has formed the view that the [Defendant/Youth] [name], who has possession of a firearm, ammunition, firearm part, sound moderator or restricted firearm mechanism, is not a fit and proper person to have possession of that item.</p> <p>Order</p>

Date of Order: [date]

Terms of Order

The Court Orders that:

- ☐ 1. orders that the following property of the [Defendant/Youth] be delivered into the custody of the [Commissioner of Police/other person] includes offensive weapons and firearms under s 180 of the Criminal Procedure Act 1921
- ☐ for a period of [no of years] [no of months] [no of days].
- ☐ until further order.
- ☐ 2. the firearms licence [licence number] held by the Defendant is:
- ☐ subject to the following conditions:
- provision for multiple [description of condition].
- ☐ suspended until [date/further order].
- ☐ cancelled.
- ☐ 3. the Defendant is disqualified from holding or obtaining a licence until [date/further order].
- ☐ 4. orders that until further order the [Defendant/Youth] be subject to the Firearms Prohibition Order in the terms set out below
- ☐ subject to the following amendments: (see Firearms Act 2015 ss 66(3)(b) and 45(17))
- (a) [amendments in numbered paragraphs]
- ☐ 5. orders that the [Defendant/Youth] be prohibited from possessing [an offensive weapon of any kind/specify kind(s) of offensive weapon]
- ☐ for a period of [no of years] [no of months] [no of days].
- ☐ until further order.
- ☐ 6. [other orders].

Next box displayed only if order 4 made

Firearm Prohibition Conditions

Subject to any exemptions set out above or in a notice in writing from the Registrar of Firearms, the following conditions are conditions of a Firearm Prohibition Order under section 45 of the *Firearms Act 2015*.

1. Any licence or permit under the *Firearms Act 2015* held by the [Defendant/Youth] is suspended while the Firearm Prohibition Order is in force.
2. The [Defendant/Youth] must not acquire, possess or use a firearm (e.g. guns), a firearm part, a sound moderator or ammunition.

3. The [Defendant/Youth] must immediately surrender (hand in) to the Registrar of Firearms any and all firearms (e.g. guns), firearm parts, sound moderators and ammunition owned by them or in their possession.
4. The [Defendant/Youth] must not be present at:
 - a. the grounds of a firearms club, paintball operator or the range of a commercial range operator;
 - b. a shooting gallery;
 - c. an arms fair;
 - d. a place where a person carries on the business of repairing, modifying or testing firearms (e.g. guns), firearm parts or ammunition, or buying, selling or hiring out firearms, firearm parts or ammunition;
 - e. a place where a person manufactures a firearm, firearm part, or sound moderator;
 - f. a place where a person carries on the business of refurbishing firearms; or
 - g. any other place of a kind prescribed by regulation.
5. The [Defendant/Youth] must not become or remain a member of a firearms club.
6. The [Defendant/Youth] must not be in the company of a person who has physical possession or control of a firearm (e.g. guns).
7. The [Defendant/Youth] must not be present or reside at premises on which there is a firearm (e.g. guns), firearm part, sound moderator or ammunition.
8. The [Defendant/Youth] must inform each other person of or over the age of 18 years who resides or proposes to reside at the same premises of the fact that a Firearms Prohibition Order is in force against the [Defendant/Youth] and ask each such person whether or not they have or propose to have a firearm (e.g. guns), firearm part, sound moderator or ammunition on the premises.
9. Any person who supplies the [Defendant/Youth] with a firearm (e.g. guns), firearm part, a sound moderator or ammunition commits an offence.
10. Any person who permits the [Defendant/Youth] to gain possession of a firearm, firearm part, a sound moderator or ammunition commits an offence.
11. Any person who has physical possession or control of a firearm whilst in the [Defendant/Youth]'s company commits an offence.
12. Any person who brings a firearm, firearm part, sound moderator or ammunition onto, or has possession of any such item on, the premises where the [Defendant/Youth] resides commits an offence.
13. If the [Defendant/Youth] changes address, the [Defendant/Youth] must give the Registrar of

Firearms written notice of the new address within 7 days.

14. Any person who fails to or refuses, without reasonable excuse, to comply with a requirement by a police officer, who suspects on reasonable grounds is the subject of a Firearms Prohibition Order, to state their full name, address and date of birth and the full name of persons with whom they reside commits an offence.

Next warning box displayed unless Youth Court

To the Defendant: WARNING

If you fail to obey the terms of this order and if applicable the Firearm Prohibition Conditions, **you will be guilty of an offence and may be liable for a fine of up to \$75,000 or up to 15 years imprisonment.**

Any person who fails to obey term 10 of the Firearms Prohibition Order if applicable **also commits an offence and may be liable for a fine of up to \$75,000 or up to 15 years imprisonment.**

Next warning box displayed if Youth Court

To the Youth: WARNING

If you fail to obey the terms of this order and if applicable the Firearm Prohibition Conditions, **you will be guilty of an offence and may be liable for a fine of up to \$2,500 or up to 3 years detention.**

Any person who fails to obey term 10 of the Firearms Prohibition Order if applicable **also commits an offence and may be liable for a fine of up to 2,500 or up to 3 years detention.**

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

<p>Acknowledgement by [Defendant/Youth]</p> <p>I acknowledge that I have received a copy of this Firearms Order. I understand its effect and I understand what will happen if I fail to comply with this order.</p> <p>.....</p> <p>Signature of Defendant/Youth</p> <p>.....</p> <p>Full name of Defendant/Youth</p> <p>.....</p> <p>Date</p> <p>Witness</p> <p>.....</p> <p>Signature of authorised witness</p> <p><small>witness must be a Judicial Officer, a registrar of the Court, or a justice of the peace</small></p> <p><small>next item not displayed if witness is sentencing Judicial Officer</small></p> <p>.....</p> <p>Printed name and title of witness <small>stamp here if applicable</small></p> <p>.....</p> <p>Date</p>
--

21. In Schedule 2, Form 142H—Firearms Order and Acknowledgement is deleted and substituted as follows:

Form 142H

To be inserted by Court

Case Number:

Date Filed:

FDN:

FIREARMS ORDER AND ACKNOWLEDGEMENT

Firearms Act 2015 s 66(1)

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

Introduction**Hearing**

Hearing Location: [suburb]

[Hearing date] [Listed starting time]

Hearing type:

Supreme and District Court only

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

[Presiding Officer]

Appearances

[Informant/R Appearance Information]

[Defendant/Youth Appearance Information]

Remarks

- ☐ The Court has found the [Defendant/Youth] [name], guilty of an offence.
- ☐ The Court is satisfied that a firearm, ammunition, firearm part, sound moderator or restricted firearm mechanism was involved in the commission of the offence.

Order

Date of Order: [date]

Terms of Order

The Court Orders that:

- ☐ 1. orders that the following property of the [Defendant/Youth] be delivered into the custody of the [Commissioner of Police/other person] includes offensive weapons and firearms under s 180 of the Criminal Procedure Act 1921
 - ☐ for a period of [no of years] [no of months] [no of days].
 - ☐ until further order.
- ☐ 2. the firearms licence [licence number] held by the Defendant is:

<input type="checkbox"/>	subject to the following conditions: <ul style="list-style-type: none">• provision for multiple [description of condition].
<input type="checkbox"/>	suspended until [date/further order].
<input type="checkbox"/>	cancelled.
<input type="checkbox"/>	3. the Defendant is disqualified from holding or obtaining a licence until [date/further order].
<input type="checkbox"/>	4. orders that until further order the [Defendant/Youth] be subject to the Firearms Prohibition Order in the terms set out below <ul style="list-style-type: none"><input type="checkbox"/> subject to the following amendments: (see Firearms Act 2015 ss 66(3)(b) and 45(17))<ul style="list-style-type: none">(a) [amendments in numbered paragraphs]
<input type="checkbox"/>	5. orders that the [Defendant/Youth] be prohibited from possessing [an offensive weapon of any kind/specify kind(s) of offensive weapon] <ul style="list-style-type: none"><input type="checkbox"/> for a period of [no of years] [no of months] [no of days].<input type="checkbox"/> until further order.
<input type="checkbox"/>	6. [other orders]

Next box displayed only if order 4 made

Firearm Prohibition Conditions

Subject to any exemptions set out above or in a notice in writing from the Registrar of Firearms, the following conditions are conditions of a Firearm Prohibition Order under section 45 of the *Firearms Act 2015*.

1. Any licence or permit under the *Firearms Act 2015* held by the [Defendant/Youth] is suspended while the Firearm Prohibition Order is in force.
2. The [Defendant/Youth] must not acquire, possess or use a firearm (e.g. guns), a firearm part, a sound moderator or ammunition.
3. The [Defendant/Youth] must immediately surrender (hand in) to the Registrar of Firearms any and all firearms (e.g. guns), firearm parts, sound moderators and ammunition owned by them or in their possession.
4. The [Defendant/Youth] must not be present at:
 - h. the grounds of a firearms club, paintball operator or the range of a commercial range operator;
 - i. a shooting gallery;
 - j. an arms fair;
 - k. a place where a person carries on the business of repairing, modifying or testing

firearms (e.g. guns), firearm parts or ammunition, or buying, selling or hiring out firearms, firearm parts or ammunition;

- l. a place where a person manufactures a firearm, firearm part, or sound moderator;
 - m. a place where a person carries on the business of refurbishing firearms; or
 - n. any other place of a kind prescribed by regulation.
5. The [Defendant/Youth] must not become or remain a member of a firearms club.
 6. The [Defendant/Youth] must not be in the company of a person who has physical possession or control of a firearm (e.g. guns).
 7. The [Defendant/Youth] must not be present or reside at premises on which there is a firearm (e.g. guns), firearm part, sound moderator or ammunition.
 8. The [Defendant/Youth] must inform each other person of or over the age of 18 years who resides or proposes to reside at the same premises of the fact that a Firearms Prohibition Order is in force against the [Defendant/Youth] and ask each such person whether or not they have or propose to have a firearm (e.g. guns), firearm part, sound moderator or ammunition on the premises.
 9. Any person who supplies the [Defendant/Youth] with a firearm (e.g. guns), firearm part, a sound moderator or ammunition commits an offence.
 10. Any person who permits the [Defendant/Youth] to gain possession of a firearm, firearm part, a sound moderator or ammunition commits an offence.
 11. Any person who has physical possession or control of a firearm whilst in the [Defendant/Youth]'s company commits an offence.
 12. Any person who brings a firearm, firearm part, sound moderator or ammunition onto, or has possession of any such item on, the premises where the [Defendant/Youth] resides commits an offence.
 13. If the [Defendant/Youth] changes address, the [Defendant/Youth] must give the Registrar of Firearms written notice of the new address within 7 days.
 14. Any person who fails to or refuses, without reasonable excuse, to comply with a requirement by a police officer, who suspects on reasonable grounds is the subject of a Firearms Prohibition Order, to state their full name, address and date of birth and the full name of persons with whom they reside commits an offence.

Next warning box displayed unless Youth Court

To the Defendant: WARNING

If you fail to obey the terms of this order and if applicable the Firearm Prohibition Conditions, **you will be guilty of an offence and may be liable for a fine of up to \$75,000 or up to 15 years imprisonment.**

Any person who fails to obey term 10 of the Firearms Prohibition Order if applicable **also commits an offence and may be liable for a fine of up to \$75,000 or up to 15 years imprisonment.**

Next warning box displayed if Youth Court

To the Youth: WARNING

If you fail to obey the terms of this order and if applicable the Firearm Prohibition Conditions, **you will be guilty of an offence and may be liable for a fine of up to \$2,500 or up to 3 years detention.**

Any person who fails to obey term 10 of the Firearms Prohibition Order if applicable **also commits an offence and may be liable for a fine of up to 2,500 or up to 3 years detention.**

Authentication

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

Acknowledgement by [Defendant/Youth]

I acknowledge that I have received a copy of this Firearms Order. I understand its effect and I understand what will happen if I fail to comply with this order.

.....
Signature of Defendant/Youth

.....
Full name of Defendant/Youth

.....
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

22. In Schedule 2, Form 142M—Order [Part 8A Criminal Law Consolidation Act] is deleted and substituted as follows:

Form 142M

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

ORDER – [PART 8A CRIMINAL LAW CONSOLIDATION ACT]

[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

Introduction
Hearing
Hearing Location: <i>[suburb]</i>
<i>[Hearing date]</i>
<i>[Presiding Officer]</i>

Appearances

[Informant/R Appearance Information]

[Defendant/Youth Appearance Information]

Remarks

[Remarks from Record of Outcome]

Order

Date of Order: [date]

Terms of Order

This order is in relation to [the] [Defendant/Youth] [number] [name].

The Court:

- ☐ 1. is satisfied at the conclusion of the trial of the [Defendant/Youth]'s mental competence that it has been established on the balance of probabilities that the [Defendant/Youth] was mentally incompetent to commit the following offences described on the Information dated [date]:
- a. [counts in numbered sub-paragraphs] provision for multiple
- ☐ 2. orders under section [269F(A)(5)/269G(B)(5)] of the *Criminal Law Consolidation Act 1935*, with the agreement of the Prosecution and Defence, and having regard to the contents of the Report dated [date] in relation to the following counts on the Information dated [date], that an investigation into the [Defendant/Youth]'s mental competence to commit the offences is dispensed with and a finding that the [Defendant/Youth] was mentally incompetent to commit the offences is recorded: s 269F(A)(5) if the Court decides to proceed first with trial of Defendant's/Youth's mental competence to commit offence; s 269G(B)(5) if the Court decides to proceed first with trial of objective elements of offence
- a. [counts in numbered sub-paragraphs] provision for multiple
- ☐ 3. is satisfied at the conclusion of the trial of the [Defendant/Youth]'s mental fitness to stand trial that the [Defendant/Youth] is mentally unfit to stand trial upon the following counts on the Information dated [date]:
- a. [counts in numbered sub-paragraphs] provision for multiple
- ☐ 4. orders under section [269M(A)(5)/269NB(5)] of the *Criminal Law Consolidation Act 1935*, with the agreement of the Prosecution and the Defence, and having regard to the contents of the Report dated [date] in relation to the following counts on the Information dated [date], that an investigation into the [Defendant/Youth]'s fitness to stand trial is dispensed with and a finding that the [Defendant/Youth] is mentally unfit to stand trial is recorded. ,

269M(A)(5) if the Court decides to proceed first with trial of Defendant's/Youth's mental fitness to stand trial; s 269N(B)(5) if the Court decides to proceed first with trial of objective elements of offence

- ☐ 5. is satisfied that the objective elements of the above offence[s] have been established beyond reasonable doubt and a finding that the objective elements of the above offence[s] are established is recorded.
- ☐ 6. makes a Division 3A Order releasing the [Defendant/Youth] on licence upon the conditions set out below, for a period of [no of years] [no of months] period must not exceed 5 years Commencing from [date], pursuant to section 269NB(2)(c) of the *Criminal Law Consolidation Act 1935*.
- ☐ 7. declares the [Defendant/Youth] liable to supervision under Division 4 Subdivision 2 of the *Criminal Law Consolidation Act 1935*.
- ☐ 8. orders that the [Defendant/Youth] be released upon licence upon the conditions set out below, with the conditions to apply during the limiting pursuant to section 269O(1)(b)(ii) of the *Criminal Law Consolidation Act 1935*.
- ☐ 9. orders that the [Defendant/Youth] be committed to detention pursuant to section 269O(1)(b)(i) of the *Criminal Law Consolidation Act 1935*.
- ☐ 10. fixes a limiting term of [no of years] [no of months] [life] commencing from [date], *Criminal Law Consolidation Act 1995 s 268O(2)*.
- ☐ 11. [other orders] provision for multiple

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 be supervised by a Department for Correctional Services Community Corrections Officer ('the Supervising Officer') nominated by the Parole Board and the Defendant must obey their reasonable directions about non-medical matters.
- ☐ 3. Youth Only The 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 Youth must obey their reasonable directions about non-medical matters.
- ☐ 4. Adult Only The Defendant 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 be psychiatrically reviewed on a regular basis as directed by the Director or the nominee.

- ☐ 5. ^{Youth Only} The 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 Youth be psychiatrically reviewed on a regular basis as directed by the Director or the nominee.
- ☐ 6. 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.
- ☐ 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 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 the Director or the nominee's reasonable directions about the treatment and monitoring of their mental health.

Residence (place of living)

- ☐ 8. 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.
- ☐ 9. The [Defendant/Youth] must live at [name of facility and address] and must not 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.
- ☐ 10. 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.
- ☐ 11. 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.
- ☐ 12. 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 a previous application for variation or revocation having been refused.
- ☐ 13. 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.

- ☐ 14. 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.

- ☐ 15. 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 the Supervising Officer or the Parole Board.

- ☐ 16. 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

- ☐ 17. 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.

- ☐ 18. 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].

- ☐ 19. 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 Director or the nominee reasonably directs.

- ☐ 20. The [Defendant/Youth] must obey the reasonable directions of the Supervising Officer with respect to:
- a. counselling;
 - b. psychological treatment;
 - c. going to rehabilitation assessments;
 - d. vocational or occupational programs;

e. drug and alcohol rehabilitation programs.

- ☐ 21. 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.
- ☐ 22. The [Defendant/Youth] must obey in every respect any treatment plan prepared or directed by the Director or the nominee.
- ☐ 23. 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.
- ☐ 24. 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

- ☐ 25. 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

- ☐ 26. 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.
- ☐ 27. 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.
- ☐ 28. 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

- ☐ 29. 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

- ☐ 30. The [Defendant/Youth] must not go to or stay within [description of location or area, including boundaries] unless they:
- are with a person approved by the Supervising Officer or
 - have permission beforehand from the Supervising Officer.
- ☐ 31. 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 Director or the nominee;
 - passing through continuously on public or private transport;
 - visiting [insert place/address].
- ☐ 32. 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]
- on any day other than one specific day per [week/fortnight/month/year] that day being [i.e. first day of each month]; and
 - 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. Despite the terms of this Order, the [Defendant/Youth] is allowed to:
- travel on but not stop on [list roads];
 - enter or stop on [insert place/address] to catch public transport.
- ☐ 34. 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].
- ☐ 35. 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.

- ☐ 36. 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.
- ☐ 37. The [Defendant/Youth] must not go or stay within [number] metres of the boundary of any place where [name] may live or work.
- ☐ 38. 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)].
- ☐ 39. The [Defendant/Youth] must not assault, harass, threaten or intimidate [name].
- ☐ 40. The [Defendant/Youth] must obey the terms of any active Intervention Order.

Internet and Communication

- ☐ 41. 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

- ☐ 42. 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]".
- ☐ 43. 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.
- ☐ 44. 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.
- ☐ 45. 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.

Travel

- ☐ 46. 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.
- ☐ 47. 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].
- ☐ 48. The [Defendant/Youth] must tell the Supervising Officer in advance of an intention to travel in any motor vehicle, including private or public transport.
- ☐ 49. 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.
- ☐ 50. 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

- ☐ 51. [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, **you may be arrested and brought before the Court and after hearing your release on licence may be revoked and you may be committed to detention until further order.**

You have a right under section 269ND or 269P (as the case may be) of the *Criminal Law Consolidation Act 1935* to apply to revoke or vary one or more conditions of this order if good cause exists to do so.

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

To the Director or nominee

If Director or 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 making order

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

.....
Date

23. In Schedule 2, Form 171G—Originating Application for Review, Variation or Revocation of Part 8A Criminal Law Consolidation Act Order is deleted and substituted as follows:

Form 171G

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time

Hearing Location:

**ORIGINATING APPLICATION FOR REVIEW, VARIATION OR REVOCATION OF PART
8A CRIMINAL LAW CONSOLIDATION ACT ORDER**

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

CRIMINAL JURISDICTION

CASE NO:

[FULL NAME]

Applicant

v

[FULL NAME]

Respondent

Applicant				
Authorising individual <small>If applicant is not an individual and not represented by a law firm/office</small>				
Name of law firm/office <small>If applicable</small>	<small>Law firm/office</small>		<small>Responsible Solicitor</small>	
Address for service	<small>Street Address (including unit or level number and name of property if required)</small>			
	<small>City/town/suburb</small>	<small>State</small>	<small>Postcode</small>	<small>Country</small>
	<small>Email address</small>			
Phone Details	<small>Type (eg. home; work; mobile) – Number</small>			
Applicant's References	<small>Reference number - optional</small>		<small>Instant loss of licence number - optional</small>	

Provision for multiple

Respondent	<small>Full Name (including Also Known as)</small>			
Address	<small>Street Address (including unit or level number and name of property if required)</small>			
	<small>City/town/suburb</small>	<small>State</small>	<small>Postcode</small>	<small>Country</small>
	<small>Email address</small>			
Phone Details	<small>Type (eg. Home; work; mobile) – Number</small>		<small>Another number (optional)</small>	

Application details

Mark appropriate selection below with an 'x'

This Application is to

- ☐ amend or vary the terms of a Part 8A Order made in respect of the original [Defendant/Youth] Select one [full name] ('the Subject'), where
- ☐ the present order is an order for release on licence pursuant to Part 8A Division 3A
 - ☐ the present order is an order for supervision pursuant to Part 8A Division 4
- ☐ revoke a Part 8A Division 3A Order and make the original [Defendant/Youth] Select one [full name] ('the Subject') liable to a Supervision Order under Part 8A Division 4 Subdivision 2
- ☐ revoke a Part 8A Division 4 Supervision Order made in respect of the original [Defendant/Youth] Select one [full name] ('the Subject') and substitute in its place an amended order
- ☐ commit the original [Defendant/Youth] Select one [full name] ('the Subject') to detention, where
- ☐ the present order is an order for release on licence pursuant to Part 8A Division 3A
 - ☐ the present order is an order for supervision pursuant to Part 8A Division 4
- ☐ review a Part 8A Division 4 Order for supervision made in respect of the original [Defendant/Youth] Select one [full name] ('the Subject') pursuant to section 269U

The original Order the subject of this application was made on [date] in case number [enter case number] by the [enter name of court] Court of South Australia.

This Application is made under

- ☐ section 269ND
- ☐ section 269NDA
- ☐ section 269P
- ☐ section 269U

of the *Criminal Law Consolidation Act 1935*.

The Applicant seeks the following orders:

Enter orders in numbered paragraphs

1.

This Application is made on the grounds

- ☐ set out in the accompanying Affidavit sworn by [name] on [date]. Must complete if Application includes varying or revoking the conditions relating to firearms in s 96(2) of the Sentencing Act 2017
- ☐ that

Enter grounds in numbered paragraphs

1.

Only complete if applicable otherwise delete

This Application is urgent on the grounds

- ☐ set out in the accompanying Affidavit sworn by *[name]* on *[date]*.
☐ that

Enter grounds in 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 before the hearing date.

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.

To the *[Defendant/Youth]* the subject of the original order: select one **WARNING**

You **must** attend the hearing or have a lawyer attend for you to make submissions in *[support of/response to]* select one this Application.

If you are in custody, arrangements can be made for you to appear before the Court in person or via audiovisual link on the day of the hearing. You should inform the Court Registry whether you wish to appear in person or by audiovisual link.

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 selection below with an 'x'

Accompanying this Application is a

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

24. In the index to Schedule 2, the words “Form 174DA—Order – Confirmation, Variation or Revision of Part 8A Division 4 Criminal Law Consolidation Act Order” are deleted and substituted with the words “Form 174DA—Order – Confirmation, Variation, Revision or Revocation of Part 8A Division 4 Criminal Law Consolidation Act Order”.
25. In Schedule 2, Form 174DA— Order – Confirmation, Variation or Revision of Part 8A Division 4 Criminal Law Consolidation Act Order is deleted and substituted as follows:

Form 174DA

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Signed:</p> <p>FDN:</p>
--

**ORDER – CONFIRMATION, VARIATION, REVISION OR REVOCATION 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 supervised by a Department for Correctional Services Community Corrections Officer ('the Supervising Officer') nominated by the Parole Board and the [Defendant/Youth] must obey their reasonable directions about non-medical matters.
- ☐ 3. 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.
- ☐ 4. 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.
- ☐ 5. 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.

- ☐ 6. 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.
- ☐ 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 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 the Director or the nominee's reasonable directions about the treatment and monitoring of their mental health.

Residence (place of living)

- ☐ 8. 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.
- ☐ 9. The [Defendant/Youth] must live at [name of facility and address] and must not 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.
- ☐ 10. 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.
- ☐ 11. 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.
- ☐ 12. 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 a previous application for variation or revocation having been refused.
- ☐ 13. 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.
- ☐ 14. 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.

- ☐ 15. 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 the Supervising Officer or the Parole Board.
- ☐ 16. 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

- ☐ 17. 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.
- ☐ 18. 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].
- ☐ 19. 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 Director or the nominee reasonably directs.
- ☐ 20. The [Defendant/Youth] must obey the reasonable directions of the Supervising Officer with respect to:
 - a. counselling;
 - b. psychological treatment;
 - c. going to rehabilitation assessments;
 - d. vocational or occupational programs;
 - e. drug and alcohol rehabilitation programs.
- ☐ 21. 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.

- ☐ 22. The [Defendant/Youth] must obey in every respect any treatment plan prepared or directed by the Director or the nominee.
- ☐ 23. 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.
- ☐ 24. 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

- ☐ 25. 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

- ☐ 26. 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.
- ☐ 27. 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.
- ☐ 28. 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

- ☐ 29. 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

- ☐ 30. 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.

- ☐ 31. 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 Director or the nominee;
 - passing through continuously on public or private transport;
 - visiting [insert place/address].
- ☐ 32. 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].
- ☐ 33. 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.
- ☐ 34. 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].
- ☐ 35. 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.
- ☐ 36. 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.

- ☐ 37. The [Defendant/Youth] must not go or stay within [number] metres of the boundary of any place where [name] may live or work.
- ☐ 38. 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)].
- ☐ 39. The [Defendant/Youth] must not assault, harass, threaten or intimidate [name].
- ☐ 40. The [Defendant/Youth] must obey the terms of any active Intervention Order.

Internet and Communication

- ☐ 41. 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

- ☐ 42. 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]".
- ☐ 43. 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.
- ☐ 44. 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.
- ☐ 45. 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.

Travel

- ☐ 46. 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.
- ☐ 47. 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].
- ☐ 48. The [Defendant/Youth] must tell the Supervising Officer in advance of an intention to travel in any motor vehicle, including private or public transport.

- ☐ 49. 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.
- ☐ 50. 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

- ☐ 51. [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 Director or nominee

If the Director or 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]

<p>Acknowledgement by [Defendant/Youth]</p> <p>I acknowledge that I have received a copy of this order.</p> <p><input type="checkbox"/> I understand its conditions and I understand what will happen if I fail to comply with these conditions.</p> <p>.....</p> <p>Signature of [Defendant/Youth]</p> <p>.....</p> <p>Name printed</p> <p>Witness</p> <p>.....</p> <p>Signature of authorised witness</p> <p><small>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</small></p> <p><small>next item not displayed if witness is Judicial Officer making order</small></p> <p>.....</p> <p>Printed name and title of witness <small>stamp here if applicable</small></p> <p>.....</p> <p>Date</p>
--

26. In the index to Schedule 2, the words “Form 136—Sentencing Material” are inserted immediately after the words “Form 135Z—Report Request Form – Special Needs Report (Youth)”.
27. In Schedule 2, Form 136—Sentencing Material is inserted as follows:

Form 136

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

SENTENCING MATERIAL OF [PROSECUTION/DEFENCE]

[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		
	<small>Full Name</small>	
Name of law firm/solicitor <small>If any</small>	<small>Law Firm</small>	<small>Solicitor</small>

Sentencing Material
[Identify material]

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 [identify accompanying documents].

28. In the index to Schedule 2, the words “Form 182A—Information Sheet” are inserted immediately after the words “Form 182—Notice of Withdrawal of Application for Bail Review” and immediately before the words “Form 183A—Notice of Appeal against Conviction, Acquittal, Antecedent Decision or Mental Impairment Judgment”.
29. In Schedule 2, Form 182A—Information Sheet is inserted as follows:

Form 182A

To be inserted by Court

Case Number:

Date Filed:

FDN:

INFORMATION SHEET

SUPREME COURT OF SOUTH AUSTRALIA

COURT OF APPEAL

CRIMINAL JURISDICTION

Please specify the Full Name. Each party should include a party number if more than one party of the same type.

First Appellant

First Respondent

First Interested Party

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

Appeal details

Solicitor for the Appellant: *[name, telephone, email]*

Counsel for the Appellant: *[name, telephone, email]*

Solicitor for the Respondent: *[name, telephone, email]*

Counsel for the Respondent: *[name, telephone, email]*

The following Judges may be disqualified from hearing the appeal/case stated:

[name] because *[reason]*

Counsel availability for next three sittings of the Court of Appeal:

Appellant: *[dates]*

Respondent: *[dates]*

Estimated length of hearing: *[insert time]*

Proposed division of time between counsel.

Appellant: *[time]*

Respondent: *[time]*

Appellant in reply: *[time]*

Any other factors that need to be considered: *[factors]*

Notes

1. This form is to be signed by the solicitor for the party, or if self-represented the party, who has the conduct of the appeal/case stated.
2. The Appellant must lodge and serve this form, completed as to the Appellant's information, at the same time as filing the notice of appeal.
3. The Respondent must insert the Respondent's information within 7 days of the filing of the appeal.
4. The Appellant must file and serve the completed form within 14 days of the filing of the appeal.

Signed.....
Signature.....
Name printed.....
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 3) 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 this 11th day of December 2023.

CHIEF JUSTICE KOURAKIS
CHIEF JUDGE EVANS
SENIOR JUDGE DURRANT
CHIEF MAGISTRATE HRIBAL
JUDGE ELDRIDGE

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

SOUTH AUSTRALIA

Uniform Civil (No 10) 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 10) Amending Rules 2023.

1. These Rules may be cited as the *Uniform Civil (No 10) 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 1 January 2024; or
 - (b) the date of their publication in the Gazette.
4. Existing rule 15.9 is renumbered as rule 15.10.
5. A new rule 15.9 is inserted immediately after rule 15.8 as follows:

“15.9— Requirement to produce hard copies

If a party intends to put to a witness or tender in evidence a document at trial or a hearing, the party must provide to the Court two hard copies of that document at or before the time of putting or tender.”
6. Rule 15.4 is deleted and substituted as follows:

“15.4—Appearance by audio visual link or telephone

 - (1) The Court may direct or permit one or more participants (parties, lawyers and witnesses) to appear at a hearing remotely by audio visual link or by telephone.

Note—

Appearance remotely is an exception to the general rule that appearances of parties, lawyers and witnesses is in person and a remote appearance therefore needs to be justified in the circumstances.

 - (2) Unless the Court otherwise orders, the costs incurred by the Court in conducting an audio visual hearing at the request of a party must be paid by the requesting party.

Remote appearance by party or lawyer

 - (3) A request for a party or lawyer to appear by audio visual link or by telephone must be made by—
 - (a) an interlocutory application in the prescribed form;

Prescribed form—

Form 77 Interlocutory Application

 - (b) oral application at a prior hearing;
 - (c) ticking the remote appearance box on a form filed using the Electronic System; or
 - (d) email sent to the chambers of the judicial officer before whom the hearing is to be conducted.
 - (4) A request under subrule (3) must identify the reason why the party or lawyer seeks to appear remotely rather than in person.
 - (5) A request under subrule (3) must be made to the Court in sufficient time before the hearing to allow the Court to decide whether to allow the request and, if so, make appropriate arrangements.
 - (6) If the Court is unable to contact the party or lawyer at any time within 15 minutes after the time appointed for the hearing at the nominated facility or by the nominated telephone number, the party or lawyer will be regarded as having failed to appear at the hearing for the purposes of these Rules.

Remote appearance by witness

 - (7) An application for a witness to appear by audio visual link or by telephone must be made by—
 - (a) an interlocutory application in the prescribed form supported by an affidavit in the prescribed form; or

Prescribed forms—

Form 77 Interlocutory Application

Form 12 Affidavit

 - (b) oral application at a prior hearing.
 - (8) An application under subrule (7) must identify the reason why the requesting party seeks that the witness appear remotely rather than in person.
 - (9) An application under subrule (7) must be made to the Court—
 - (a) in sufficient time before the hearing to allow the Court to decide whether to allow the application and, if so, make appropriate arrangements; and
 - (b) in any event at least seven days before the hearing at which the evidence is to be given.”
7. Paragraph 64.5(2)(d) is deleted and substituted as follows:

“(d) no party is entitled to take any step in the proceeding, except if the party is—

- (i) applying to remove the proceeding from the moratorium;
 - (ii) filing a notice of discontinuance by consent under rule 141.2; or
 - (iii) making or responding to a formal offer.”
- 8. Existing subrule 101.8(7) is renumbered as subrule (8).
- 9. A new subrule 101.8(7) is inserted immediately after subrule 101.8(6) as follows:

“(7) Written submissions or a summary of argument must include at the end of the document the name of counsel who settles the document (if applicable) or, if no counsel did so, the name of the solicitor who is responsible for the document (when a law firm is acting for the party).”
- 10. A new subrule 132.10(5) is inserted immediately after subrule 132.10(4) as follows:

“(5) For the purposes of this rule, if a formal offer is filed during a moratorium under rule 64.5, the formal offer will be treated as having been filed on the first day after the moratorium ends.”
- 11. A new subrule 132.11(5) is inserted immediately after subrule 132.11(4) as follows:

“(5) For the purposes of this rule, if a formal offer is filed during a moratorium under rule 64.5, the formal offer will be treated as having been filed on the first day after the moratorium ends.”
- 12. A new rule 142.13 is inserted immediately after rule 142.12 as follows:

“142.13—Application to set aside by consent and discontinuance

 - (1) This rule applies to a proceeding in which there is no cross claim or third party claim or interested party and a default monetary judgment was entered in favour of the applicant or applicants against the respondent or respondents.
 - (2) The parties may execute and a party may file an application and consent to set aside judgment and discontinuance in the prescribed form.

Prescribed form—

Form 126A Application and Consent to Set Aside Judgment and Discontinuance

 - (3) If a document under subrule (2) is filed, the Court may set aside the default judgment and the action will be treated as wholly discontinued.”
- 13. Rule 195.7A is deleted and substituted as follows:

“195.7A—Witness fees—Supreme Court and District Court

An amount paid, or to be paid, for attendance by a witness at a hearing is a disbursement properly incurred for a proceeding if—

 - (1) the attendance is reasonably required; and
 - (2) the amount is reasonable or is authorised, or approved, by the Court.”
- 14. A Note to subrule 196.1 is inserted immediately after subrule (2) as follows:

“Note—

Under rule 212.2(1)(a) an appeal under this rule lies to a single Judge.”
- 15. Rule 201.1 is amended to insert the words “**ADI** means an authorised deposit-taking institution;” immediately after the words “In this Chapter, unless the contrary intention appears—”.
- 16. A new rule 203.3A is inserted immediately before rule 203.4 as follows:

“203.3A—Investigation Notice

 - (1) An investigation notice issued by a judgment creditor under section 3A of the Enforcement Act must be in the prescribed form.

Prescribed form—

Form 140 Investigation Notice

Note—

Section 3A(2) of the Enforcement Act provides that an investigation notice must specify the period (being not less than 28 days) within which its requirements must be complied with.

 - (2) An investigation notice—
 - (a) if the judgment debtor had an address for service in the proceeding in which judgment was entered—may be served at that address for service by one of the means set out in rule 44.3; or
 - (b) otherwise—must be served by original service.
 - (3) If an investigation notice seeks production for inspection of documents, it must specify a reasonable place, date and time for inspection in default of agreement.
 - (4) The Court may have regard to the question whether a judgment debtor served an investigation notice or whether the judgment debtor complied with the requirements of an investigation notice governed by this rule on the question of costs in any subsequent enforcement proceeding.

Notes—

Section 3A(1) of the Enforcement Act provides that a judgment debtor may be required by the judgment creditor to do either or both of the following:

 - (a) provide answers to specified questions relating to the judgment debtor’s means of satisfying the judgment (**material questions**);
 - (b) produce for inspection by the judgment creditor specified documents relating to material questions.

Section 3A(4) provides that, if a person uses information or a document provided in accordance with an investigation notice for a purpose other than assessing a judgment debtor's means of satisfying a judgment, that person is guilty of an offence.

Maximum penalty: \$ 5,000."

17. Subrule 203.4(3) is amended by inserting after the word "and" the words "subject to subrule (4)".
18. Existing subrule 203.4(4) is renumbered as subrule (5).
19. A new subrule 203.4(4) is inserted immediately after subrule (3) as follows:

"(4) Despite subrule (3), a questionnaire may but need not be served if, within the three months preceding the issue of an investigation summons—

 - (a) the judgment debtor served on the judgment creditor a fully completed investigation notice containing answers to the same questions that are contained in a questionnaire; or
 - (b) a fully completed questionnaire was provided to the Court for the purposes or as part of a previous enforcement process."
20. Subrule 203.5(1) is amended to substitute for the words "investigation summons" the words "investigation notice under rule 203.3A or an investigations summons under rule 203.4".
21. Paragraph 203.11(2)(b) is deleted.
22. Subrule 203.12(3) is deleted.
23. Subrule 203.12(4) is amended to delete the words ", subject to compliance with section 6(2) of the Enforcement Act if applicable".
24. A new rule 203.13A is inserted immediately after rule 203.13 as follows:

"203.13A— Payment of money subject to attachment

 - (1) Unless the Court otherwise orders, the garnishee must pay money subject to the attachment directly to the judgment creditor—
 - (a) by depositing the money into an ADI account nominated by the judgment creditor;
 - (b) by cheque; or
 - (c) by another method agreed between the garnishee and the judgment creditor.
 - (2) The garnishee must use the judgment debtor's first and last name, and where possible, the case number in which the garnishee order was made as a reference to identify the transaction when paying the money in accordance with subrule (1).
 - (3) The garnishee must provide a receipt in respect of the payment to the judgment debtor within 7 days of the payment being made.
 - (4) The judgment creditor must acknowledge receipt of the payment within 7 days by written notice to the garnishee."
25. Rule 206.7 is amended to insert a new subrule (8) immediately after subrule (7) as follows:

"(8) A notice by the Sheriff under section 7 of the Enforcement Act must—

 - (a) be in the prescribed form;

Prescribed form—
Form 170 Sheriff Notice
 - (b) if issued to the judgment debtor—be served on the judgment debtor at their address for service in the proceeding in which the warrant was issued (if any) or otherwise by personal service;
 - (c) if issued to a person other than the judgment debtor—be served on the person by personal service."
26. Paragraph 212.2(1)(a) is amended by inserting after the word "under" the words "Chapter 16 Part 6 or".
27. Subparagraph 212.3(1)(a)(i) is amended by inserting after the word "under" the words "Chapter 16 Part 6 or".
28. The heading of Part 3 in Chapter 18 is amended to insert the words "and District Court" immediately after the words "Part 3— Leave to appeal—Supreme Court".
29. The heading of rule 213.1 is amended to insert the words "Supreme Court" immediately after the words "213.1—When required".
30. A new rule 213.1A is inserted immediately after rule 213.1 as follows:

"213.1A—When required: District Court

 - (1) Subject to any statute to the contrary, leave to appeal is required in respect of any appeal to a Judge of the Court against a judgment order or decision of a Master or Judicial Registrar.
 - (2) If leave to appeal is granted, but it later becomes evident that it ought not to have been granted, the Court may revoke the grant of leave.

Note—
Section 43(3) of the *District Court Act 1991* provides that an appeal lies as of right, or by permission, according to the rules of the appellate court."
31. Subrule 213.3(1) is amended to insert the words "of the District Court or Supreme Court" immediately after the words "An application for leave to appeal against an order or judgment of a Master".
32. Rule 213.4 is deleted and substituted as follows:

"213.4—Appeal to single Judge

 - (1) This rule applies to the determination of leave to appeal to a Judge of the District Court or the Supreme Court.

- (2) A Judge may—
- (a) order that the application for leave to appeal be determined on the basis of written submissions by the applicant for leave or by the parties and give directions for that purpose;
 - (b) order that the application for leave to appeal be listed for separate hearing and determination;
 - (c) order that the application for leave to appeal be heard at the same time as the appeal;
 - (d) invite a party to produce specific documents or make submissions on a specific matter; or
 - (e) make any other or further order.”
33. The heading for rule 213.5 is amended to include the words “: Supreme Court” immediately after the words “213.5—Determination of leave to appeal to Court of Appeal”.
34. A Note is inserted immediately after subrule 214.1(1) as follows:
- “Note—**
- Under rules 103.2 and 182.2, unless the Court orders otherwise, an order or judgment takes effect, when the Court pronounces it orally in court, at the end of the hearing when the pronouncement is made or, if the Court pronounces it other than at a hearing, when the Court communicates its terms to the parties. Time to appeal begins to run when the order or judgment takes effect under those rules. It does not begin to run if the Court merely delivers reasons for judgment but does not yet make orders.”
35. Subrule 217.5(2) is deleted and substituted as follows:
- “(2) An appeal book must contain a filing page, be paginated, be printed on both sides of the page and contain a table of contents at the front.”
36. Existing subrule 217.7(6) is renumbered as subrule (7).
37. A new subrule 217.7(6) is inserted as follows:
- “(6) Written submissions must include at the end of the document the name of counsel who settles them or, if no counsel did so, the name of the solicitor who is responsible for the document.”
38. Subrule 218.4(3) is deleted and substituted as follows:
- “(3) A core appeal book must contain a filing page, be paginated, be printed on both sides of the page and contain a table of contents at the front.”
39. Existing subrule 218.6(6) is renumbered as subrule (7).
40. A new subrule 218.6(6) is inserted as follows:
- “(6) Written submissions must at the end of the document include the name of counsel who settles written submissions or, if no counsel did so, the name of the solicitor who is responsible for the document, must appear at the end of the document.”
41. **Part G: Certifications and acknowledgments** contained in subrule 263.4(2) is amended to number the paragraph which commences with the words “The following certifications and acknowledgements:” as paragraph (1); renumber the current paragraph (3) as paragraph (2); and renumber the current paragraph (4) as paragraph (3).
42. Subrule 218.9(3) is deleted and substituted as follows:
- “(3) The appellant must file 3 physical copies of the exhibit appeal book, printed on both sides of the page, 7 days after the last of the written submissions are filed or due (whichever is earlier).”
43. Rule 218.11 is deleted and substituted as follows:
- “218.11 – Information Sheet**
- (1) The appellant must serve on each other party a draft information sheet in the prescribed form at the same time as filing a notice of appeal under rule 214.2.
- Prescribed forms—**
- Form 189 Information Sheet
- (2) The respondent must serve on the appellant any changes or additions it seeks to be added to the information sheet not more than 7 days after the draft information sheet has been served under subrule (1).
 - (3) The appellant must file and serve on each party a completed information sheet not more than 14 days after the draft information sheet has been served under subrule (1).”
44. **Part D: Supporting Submission** contained in subrule 263.4(2) is deleted and substituted as follows:
- “Part D: Supporting Submission**
- A statement of the reasons why the applicant considers that she or he is suitable for appointment to the office of Senior Counsel. Here the applicant should address all the criteria set out in rule 263.2.
- In support of the application, an applicant may:
- (a) refer to cases falling outside the 18 month period referred to in Part C (1) and should state why the cases referred to in Part C (2) evidence attainment of the standard of Senior Counsel;
 - (b) provide a confidential report from a community legal centre or the Legal Services Commission demonstrating the pro bono hours worked by the applicant.”
45. Part 2 to Schedule 6 is amended as follows:
- (a) Subrule 3(1) is amended to substitute “(5)” for “(6)”.
 - (b) Subrule 3(2) is amended to substitute “(5)” for “(6)”.
 - (c) Subrule 3(3) is amended to substitute “(5)” for “(6)”.
 - (d) Subrule 3(4) is amended to substitute “(5)” for “(6)”.
 - (e) Existing subrule 3(5) is renumbered as 3(6) and the words “(1), (2), (3) and (4)” are replaced with “(1), (2), (3), (4) and (5)”.

46. A new subrule 3(5) is inserted as follows:

“(5) Subject to subrule (6), the Higher Courts costs scale in respect of work done from on or after 1 January 2024 is set out in the following table.”

Higher Courts costs scale		
Item	Description	Amount
Documents		
1	Drawing any document of importance, other than documents mentioned under item 2, 10 or 11 (including original and the lawyer’s file copy).	\$64.63 —for each ¼ page.
2	Drawing proofs, indices, formal lists, extracts from other documents, lists of authorities, or other formal documents (including original and the lawyer’s file copy).	\$21.23—for each ¼ page.
3	Engrossing documents, when copying or scanning is not appropriate (including original and the lawyer’s file copy).	\$6.14—for each ¼ page.
4	Perusing documents (including electronic documents).	a range between \$3.08 and \$12.02—for each ¼ page.
5	Examining documents (including electronic documents), when a perusal is not justified.	\$0.77—for each ¼ page.
6	Documents produced by copying or scanning, or receiving emails, faxes or any other electronic transmissions.	\$0.45—for each sheet.
Attendances and Communications		
7	Attendances and oral communications, whether personal or by electronic communication, including attendances to swear or take affidavits.	Either: (a) for each 6 minute unit by a lawyer involving skill—\$44.69; (b) for each 6 minute unit by a lawyer not involving skill—\$26.81; (c) for each 6 minute unit by a non-lawyer employed or engaged by a lawyer—\$21.23; or (d) for arranging appointments, including all work involved—\$30.17 per person.
8	Attending hearings, including preparation, and when not attending as instructing lawyer for counsel.	Either: (a) for an ordinary hearing—\$223.47; or (b) if protracted (beyond 5 units), for each 6 minute unit of hearing time—\$44.69.
9	Filing or delivery of documents other than <u>personal service</u> , when no other attendance is properly allowable.	\$30.17.
Correspondence		
10	Correspondence, including original to send and the lawyer’s file copy, and the ordinary postal or transmission expenses—whether sent by letter, email, SMS or fax.	\$30.17—for each ¼ page.
11	Circular correspondence, including original to send and the lawyer’s file copy, and the ordinary postal or transmission, expenses—after the first.	\$15.09—for each letter, including copying for subsequent pages (regardless of the number of pages).
Miscellaneous		
12	Paying disbursements by whatever means and including all work and associated expenses.	\$30.17.

Higher Courts costs scale		
Item	Description	Amount
13	Preparation of Pleadings Books, Tender Books, Application Books, Appeal Books and Briefs, including indices, pagination and binding.	\$2.24—for each page.
14	Lump sum on a default judgment.	\$3051.58.

47. A new Part 6 to Schedule 6 is inserted as follows:

“Part 6—Winding up proceedings (including oppression proceedings where winding up is sought)

6.1—Method of fixing costs

When an order for the winding up of a company is made by the Court, the applicant or a supporting creditor may apply to have the amount of its costs and disbursements fixed—

- (a) by the Judge or Master making the winding up order at the time the order is made; or
- (b) in the ordinary way under Part 5 of Chapter 16.

6.2—Costs fixed at time of order

Under subrule 6.1(a), the total of the costs and disbursements will be fixed at the following amounts without the need to present any details of the costs or disbursements to the Court when the application was made on or after 18 May 2020—

- (a) Applicant’s costs when the applicant is not the company being wound up and that company was trading in South Australia—\$5,955 plus the filing fee;
- (b) Applicant’s costs when the applicant is not the company being wound up and that company was not trading in South Australia— \$6,410 (allowance for advertising) plus the filing fee;
- (c) Supporting creditor awarded costs— \$1,520 (when one set of costs is awarded to more than one supporting creditor there is to be no increase in this item);

- (d) Supporting creditor is substituted as applicant— any amount fixed under paragraph (c) plus \$1,820.

6.3—Variation in costs

Where the work done in obtaining a winding up order varies significantly from that generally described in subrule 6.2, the party seeking a costs order may request the Court on the making of the winding up order to allow a lump sum either more or less than those set out in subrule 6.2 to reflect the work actually done in obtaining the order.

6.4—Percentage increase

When any percentage increase is allowed on or after 18 May 2020 in Parts 2 of Schedule 6— that percentage increase is to be added to the lump sum amounts in this Part (not including filing fees) when orders for winding up are made on or after the date on which the increase takes effect.

6.5—Discretion

When a party seeks that costs be fixed under paragraph (a) or (b) of subrule 6.1— the Court retains a discretion to require that the costs be fixed under paragraph (c).

6.6—Application to set aside

When the costs have been fixed under paragraph (a) of subrule 6.1— a liquidator or other interested party may apply to have the order or allocatur set aside on the ground that the costs fixed are excessive and to have the costs fixed under paragraph (b).”

48. In Schedule 7, Form 7C—Originating Application – Ex Parte – Appointment as 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 Particulars

Date 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 263.2 including (1) why cases referred to in Part C (2) evidence attainment of the standard of Senior Counsel and (2) a confidential report from a community legal centre or the Legal Services Commission demonstrating the extent pro bono work undertaken by the applicant

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)

49. 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

Interlocutory Application: [*date and FDN*]

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

Summary of Argument

[*submissions*]

[*name(s) of counsel/author*]

Accompanying Documents

Mark with an 'x' if applicable

Accompanying this summary of argument is:

[] [identify additional documents]

50. 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 <small>If any</small>	Law Firm	Solicitor

Interlocutory Application: *[date and FDN]*Affidavits relied upon: *[deponent, date and FDN]* Provision for multiple**Written Submissions***[submissions]**[name(s) of counsel/author]*

<p>Accompanying Documents <small>Mark with an 'x' if applicable</small></p> <p>Accompanying these submissions is:</p> <p>[] <i>[identify additional documents]</i></p>

51. In the index to Schedule 7, the words “Form 126A—Application and Consent to Set Aside Default Judgment and Discontinuance” are inserted immediately after the words “Form 126—Notice of and Consent to Discontinuance” and immediately before the words “Form 127—Draft Judgment”.
52. In Schedule 7, a new Form 126A— Application and Consent to Set Aside Default Judgment and Discontinuance is inserted immediately after Form 126—Notice of and Consent to Discontinuance and immediately before Form 127—Draft Judgment as follows:

Form 126A

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

APPLICATION AND CONSENT TO SET ASIDE DEFAULT JUDGMENT AND DISCONTINUANCE

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

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

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 and Consent to Set Aside Judgment and Discontinuance of Action

The applicant(s) apply to set aside the judgment in this action dated [date] and consent to the respondent(s) wholly discontinuing the action on the basis that neither party claims costs against the other in respect of the action and any costs already paid are not recoverable by the paying party from the receiving party.

The respondent(s) consent to the setting aside of the judgment sought by the applicant(s) and wholly discontinue the action on the basis that neither party claims costs against the other in respect of the action and any costs already paid are not recoverable by the paying party from the receiving party.

Execution by or on behalf of the applicant(s) To be signed EITHER by solicitor OR by applicant(s)

.....
Signature of solicitor for applicants

.....
Name printed

.....
Date

.....
Signature of applicant(s)

.....
Name(s) printed

.....
Date

Execution by or on behalf of the respondent(s) To be signed EITHER by solicitor OR by applicant(s)

.....
Signature of solicitor for respondent(s)

.....
Name printed

.....
Date

.....
Signature of respondent(s)

.....
Name(s) printed

.....
Date

53. In the index to Schedule 7, the words “Form 140—Investigation Notice” are inserted immediately before the words “Form 141—Application to Enforce Judgement”.
54. In Schedule 7, a new Form 140—Investigation Notice is inserted immediately before Form 141—Application to Enforce Judgement as follows:

Form 140

INVESTIGATION NOTICE

Enforcement of Judgments Act 1991 s 3A

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

First Applicant

First Respondent

Judgment Creditor	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			
	Type - Number			

Duplicate panel if multiple Judgment Creditors

Amount Owning

Case Number:

Date Judgment entered:

Balance owing after payments	\$
Interest since last process	\$
Issue fee (for summons)	\$
Service fee (for summons)	\$
Solicitor's Fee (including attendance)	\$
Other	\$
TOTAL OWING	\$

To the Judgment Debtor

This is an investigation notice issued under section 3A of the *Enforcement of Judgments Act 1991*.

Next sentence displayed only if documents required to be produced

You are required to

- answer the questions set out below relating to your means of satisfying the judgment set out below; and
- produce for inspection by the judgment creditor the documents specified below relating to relating to your means of satisfying the judgment.

Next sentence displayed only if documents required to be produced

You are required to answer the questions set out below relating to your means of satisfying the judgment set out below.

You are required by [date], being not less than 28 days after service of this investigation notice on you, to send the completed investigation notice to the judgment creditor by one of the means set out in rule 44.3 of the Uniform Civil Rules 2020 at the judgment creditor's address for service shown above.

Next sentence displayed only if documents required to be produced

You are required by [date], being not less than 28 days after service of this investigation notice on you, to produce for inspection by the judgment creditor the documents specified below at a place and on a date and at a time agreed between you and the judgment creditor and, to the extent that there is no such agreement between you, produce them for inspection at [place] on [date] at [time].

The purpose of this investigation notice is for the judgment creditor to assess or means of satisfying a judgement debt and either entering into an agreement with you for satisfying the debt or taking steps to enforce payment of the debt.

If you fail to complete and return this investigation notice, the judgment creditor may issue an investigation summons or take other steps to enforce the judgment and seek a special costs order against you because you failed to complete and return this investigation notice.

You should not enter into a payment agreement with the judgment creditor if you believe you do not have the financial means to satisfy the judgment debt.

To the Judgment Creditor

It is an offence to use information or documents provided in accordance with this investigation notice for a purpose other than assessing the judgment debtor's means of satisfying the judgment.

Judgment details

Court: [name and, if Magistrates Court, registry of court in which judgment entered]

Case number: [case number of case in which judgment entered]

Date of judgment: [date]

Judgment original sum (including interest to date of judgment and costs): \$

Judgment sum under previous enforcement process (if any): \$
(if no previous process, show judgment original sum from previous line)

Amount claimed

Judgment sum from last line of previous box: \$

Payments since then (if any): \$

Interest since then \$

Costs recoverable since then \$

TOTAL OWING \$

[The judgment creditor may vary Part A and/or Part B below by altering, deleting or substituting questions without limitation subject to the questions relating to the judgment debtor's means of satisfying the judgment]

Part A Your Details

Your details	
1. Name	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))
2. Address	Street Address (including unit or level number and name of property if required)

	City/town/suburb	State	Postcode	Country
	Email address			
3. Current occupation				
4. Previous occupations If different to current (last 3 years)				
5. Current work	<input type="checkbox"/> Employed <input type="checkbox"/> Self-employed <input type="checkbox"/> Partnership <input type="checkbox"/> Unemployed <input type="checkbox"/> Pensioner <input type="checkbox"/> Domestic <input type="checkbox"/> Other <i>[specify]</i>		<input type="checkbox"/> Employer name/address: <input type="checkbox"/> Self-employed: Name of business and address <input type="checkbox"/> Partnership: Name of business and address <input type="checkbox"/> Other – <i>[specify details]</i> Any benefits received: <input type="checkbox"/> Centrelink/Veterans Affairs <input type="checkbox"/> Compensation <input type="checkbox"/> Insurance <input type="checkbox"/> Superannuation <input type="checkbox"/> Maintenance <input type="checkbox"/> Other – <i>[specify]</i> <input type="checkbox"/> Nil	
6. Do you receive any Centrelink/ Veteran Affairs payments? If Yes, you must attach your most recent statement showing the amount of payment received.	<input type="checkbox"/> Yes <input type="checkbox"/> No		If you answered Yes select the type of payments received <input type="checkbox"/> Unemployment <input type="checkbox"/> Sickness <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Sole parent <input type="checkbox"/> Widow <input type="checkbox"/> Veterans <input type="checkbox"/> Family Tax Benefit <input type="checkbox"/> Other – <i>[specify]</i>	
7. Previous work If not currently working (last 3 years)	<input type="checkbox"/> Employed <input type="checkbox"/> Self-employed <input type="checkbox"/> Partnership <input type="checkbox"/> Unemployed <input type="checkbox"/> Pensioner <input type="checkbox"/> Domestic <input type="checkbox"/> Other <i>[specify]</i>		<input type="checkbox"/> Employer name/address: <input type="checkbox"/> Self-employed: Name of business and address <input type="checkbox"/> Partnership: Name of business and address	

		<input type="checkbox"/> Other – <i>[specify details]</i> Any benefits received: <input type="checkbox"/> Centrelink/Veterans Affairs <input type="checkbox"/> Compensation <input type="checkbox"/> Insurance <input type="checkbox"/> Superannuation <input type="checkbox"/> Maintenance <input type="checkbox"/> Other – <i>[specify]</i> <input type="checkbox"/> Nil
8. Do you have a current spouse/ domestic partner?	<input type="checkbox"/> Yes: <i>[provide full name]</i> <input type="checkbox"/> No	
9. Do you have a former spouse/ de facto/domestic partner to whom you contribute financially?	<input type="checkbox"/> Yes: <i>[provide full name]</i> <input type="checkbox"/> No	If you answered Yes: I give financial support of \$ <i>[amount]</i> per week.
10. Do you have a former spouse/ de facto/domestic partner from whom you receive financial contributions?	<input type="checkbox"/> Yes: <i>[provide full name]</i> <input type="checkbox"/> No	If you answered Yes: I receive financial support of \$ <i>[amount]</i> per week.
11. Do you have children or other dependants or persons on whom you are dependent living in your household?	<input type="checkbox"/> Yes: <i>[provide full name(s) and age(s)]</i> <input type="checkbox"/> No	If you answered Yes: 11A. Does any such person living in your household receive income (other than pocket money)? <input type="checkbox"/> Yes: <i>[provide full name(s)]</i> <input type="checkbox"/> No
12. Do you have children or other dependants for whom you contribute financially?	<input type="checkbox"/> Yes: <i>[provide full name(s)]</i> <input type="checkbox"/> No	If you answered Yes: I give financial support of \$ <i>[amount]</i> per week.
13. Bank where accounts or main account held:		
14. Do you have an interest in a family company or trust?	<input type="checkbox"/> Yes: <i>[provide full name and principal activity]</i> <input type="checkbox"/> No	

If you answered Yes to Question 8, complete this section.

Your current spouse/domestic partner's details		
15. Name		
	Full name	
16. Current occupation		
17. Previous occupations If different to current (last 3 years)		
18. Current work	<input type="checkbox"/> Employed <input type="checkbox"/> Self-employed <input type="checkbox"/> Partnership <input type="checkbox"/> Unemployed <input type="checkbox"/> Pensioner <input type="checkbox"/> Domestic <input type="checkbox"/> Other <i>[specify]</i>	<input type="checkbox"/> Employer name/address: <input type="checkbox"/> Self-employed: <small>Name of business and address</small> <input type="checkbox"/> Partnership: <small>Name of business and address</small> <input type="checkbox"/> Other – <i>[specify details]</i> Any benefits received: <input type="checkbox"/> Centrelink/Veterans Affairs <input type="checkbox"/> Compensation <input type="checkbox"/> Insurance <input type="checkbox"/> Superannuation <input type="checkbox"/> Maintenance <input type="checkbox"/> Other – <i>[specify]</i> <input type="checkbox"/> Nil
19. Previous work If not currently working (last 3 years)	<input type="checkbox"/> Employed <input type="checkbox"/> Self-employed <input type="checkbox"/> Partnership <input type="checkbox"/> Unemployed <input type="checkbox"/> Pensioner <input type="checkbox"/> Domestic <input type="checkbox"/> Other <i>[specify]</i>	<input type="checkbox"/> Employer name/address: <input type="checkbox"/> Self-employed: <small>Name of business and address</small> <input type="checkbox"/> Partnership: <small>Name of business and address</small> <input type="checkbox"/> Other – <i>[specify details]</i> Any benefits received: <input type="checkbox"/> Centrelink/Veterans Affairs <input type="checkbox"/> Compensation <input type="checkbox"/> Insurance <input type="checkbox"/> Superannuation <input type="checkbox"/> Maintenance <input type="checkbox"/> Other – <i>[specify]</i> <input type="checkbox"/> Nil

If you answered Yes to Question 11A 'Does any such person living in your household receive income (other than pocket money)?' above.

Please duplicate the box below, one for each named person.

Other persons living in your household details		
20. Name		
	Full name	
21. Current occupation If any		
22. Current work If any	<input type="checkbox"/> Employed <input type="checkbox"/> Self-employed <input type="checkbox"/> Partnership <input type="checkbox"/> Unemployed <input type="checkbox"/> Pensioner <input type="checkbox"/> Domestic <input type="checkbox"/> Other <i>[specify]</i>	<input type="checkbox"/> Employer name/address: <input type="checkbox"/> Self-employed: <small>Name of business and address</small> <input type="checkbox"/> Partnership: <small>Name of business and address</small> <input type="checkbox"/> Other – <i>[specify details]</i> Any benefits received: <input type="checkbox"/> Centrelink/Veterans Affairs <input type="checkbox"/> Compensation <input type="checkbox"/> Insurance <input type="checkbox"/> Superannuation <input type="checkbox"/> Maintenance <input type="checkbox"/> Other – <i>[specify]</i> <input type="checkbox"/> Nil

Part B Your Financial Circumstances

Income (before tax)		\$[amount per week]		
		Applicant	Spouse/partner	Company/trust (net income after deductible expenses and tax)
Income	Wage/Salary	\$	\$	
	Self employed	\$	\$	
	Investments/Dividends	\$	\$	
	Income from rental property	\$	\$	
	Pension benefit or allowance (eg. Centrelink, Veterans Affairs benefit)	\$	\$	
	Child support	\$	\$	
	Superannuation/Insurance payments	\$	\$	
	Other – <i>[specify]</i>	\$	\$	
Total income		\$	\$	\$

--	--

Household expenses	\$[amount per week]	
Expenses	Rent/Board	\$
	Mortgage	\$
	Food	\$
	Household expenses (eg groceries, cleaning, maintenance)	\$
	Health (eg Medicine, chemist, health fund)	\$
	Clothing	\$
	Children (eg nappies, formula, sport, childcare)	\$
	Education (eg fees, books, uniforms etc).	\$
	Energy (eg electricity, gas, heating etc)	\$
	Phone and internet	\$
	Rates (eg council and SA Water)	\$
	Insurance (eg house, contents)	\$
	Vehicle expenses (eg fuel, registration, maintenance)	\$
	Other transport (eg bus or train fares)	\$
	Car loan	\$
	Credit card	\$
	Other – [specify]	\$
Total expenses		\$

Household assets		
Assets	Real estate	\$
	Vehicle	\$
	Savings	\$
	Investments	\$
	Other – [specify]	\$
Total assets		\$

Household liabilities		
Liabilities	Judgment debts	\$
	Fines (outstanding with Court)	\$
	Mortgage	\$
	Car loan	\$
	Credit card	\$
	Centrelink	\$
	Other – <i>[specify]</i>	\$
Total liabilities		\$

Other		
List specified questions if not listed above. Delete if inapplicable.		

Next box displayed only if documents required to be produced

You are required to provide to the judgment creditor for inspection in accordance with rule 73.12 of the <i>Uniform Civil Rules 2020</i> [place and time] the documents in column A below relating to your means of satisfying the judgment.	
A Documents sought	B Documents produced (list and describe)
1 <i>[description of document(s) sought by judgment creditor]</i>	
2	
3	
4	

Signature of Judgment Debtor
<p>The information contained in this investigation notice (including relating to documents sought if applicable) is true to the best of my knowledge, information and belief.</p> <p>.....</p> <p>Signature of deponent</p> <p>.....</p>

Name printed
..... Date

Financial Counselling Services

The Financial Counselling Service is a **FREE** and **CONFIDENTIAL** counselling and advisory service for people who are:

- having trouble making ends meet
- in debt or have high bills
- faced with a sudden drop in income
- behind in loan/credit repayments
- unfairly or unjustly treated by traders or creditors
- facing court action because of debts
- considering bankruptcy

You will still have control of your money. Financial Counsellors will provide the skills and knowledge to help you to work out your money problems. However, the decision to follow the advice is yours.

Financial Counsellors can:

- talk to your creditors about your debts
- advocate for you if you have been treated unfairly
- help you plan your finances

Financial Counsellors can give you information and advice on:

- dealing with creditors
- concessions and benefits
- consumer rights
- credit and debt issues
- bankruptcy information

If you would like the services of a Financial Counsellor, call **1800 007 007** and make an appointment with one of the financial counselling service agencies listed on the South Australian Financial Counselling Association's website: <http://www.safca.org.au>.

55. In Schedule 7, Form 141—Application to Enforce Judgement is deleted and substituted as follows:

Form 141

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

Hearing Date and Time:
Hearing Location:

Hearing panel above only completed if application for investigation summons or examination summons

APPLICATION TO ENFORCE A JUDGMENT

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

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

First Applicant

First Respondent

First Interested Party

Judgment Creditor	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 Judgment Creditors

Judgment Debtor	
-----------------	--

	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			

Duplicate panel if multiple Judgment Debtors

Application

Mark appropriate sections below with an 'x'

The Judgment Creditor applies for the Registrar to [] issue [] reissue:

- [] an Investigation Summons against the Judgment Debtor.
- [] an Examination Summons against the Judgment Debtor.
- [] an Investigation Summons to Witness namely [name], whose address for service is [address].
- [] a Warrant of Sale in respect of:
- [] personal property, namely [property], situated at [address].
- [] real property, namely Certificate of Title Register Book Volume [number] Folio [number], situated at [address].
- [] a Warrant of Possession of personal property, namely [property], situated at [address].
- [] a Warrant of Possession of land, namely [property], situated at [address].
- [] a Warrant of Apprehension against [name] who resides at [address].
- [] a Warrant of Commitment against [name] who resides at [address].

Amount owing below only displayed if monetary judgment being enforced

Amount Owing

Date Judgment entered:

Balance owing after payments	\$
Interest since last process	\$
Issue fee (for summons/warrant)	\$
Service fee (for summons/warrant)	\$
Solicitor's Fee (including attendance)	\$
Other	\$
TOTAL OWING	\$

Undertaking below only displayed if application for Issue of warrant of sale or warrant of possession

Undertaking

The [Judgment Creditor /Judgment Creditor's solicitor] by filing this application undertakes to pay the Sheriff's reasonable costs and expenses associated with the execution of the warrant and sale or attempted sale of and/or recovery of and dealing with the property.

Investigation Notice

- [] An investigation notice was **not** served on the Judgment Debtor(s).
- [] An investigation notice has been served on the Judgment Debtor(s). Date debtor was required to return the requested Form 140 Investigation Notice [DD/MM/YYYY].

56. In Schedule 7, Form 148—Interim Garnishee Order is deleted and substituted as follows:

Form 148

To be inserted by Court

Case Number:

Date Signed:

FDN:

Hearing Date and Time:

Hearing Location:

INTERIM GARNISHEE ORDER

[*SUPREME/DISTRICT/MAGISTRATES*] Delete all but one 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.

First Applicant

First Respondent

First Interested Party

Judgment Creditor	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 Judgment Creditors

Judgment Debtor	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			

Duplicate panel if multiple Judgment Debtors

Garnishee	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			

Balance owing after payments	\$
Interest since last process	\$
Cost of Order	\$

Total Owing	\$
--------------------	----

Introduction

[Presiding Officer]

Application made by:

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

[Third Party Appearance Information]

[Interested Party Appearance Information]

Date of Order: [date]

Terms of Order

It is ordered that:

1. Subject to any subsequent variation or revocation, any money owing or accruing to the Judgment Debtor from the Garnishee other than in the nature of salary or wages be attached to the Judgment Debt, being the total owing displayed earlier on this Form.
2. Subject to any subsequent variation or revocation, any money owing or accruing to the Judgment Debtor from the Garnishee in the nature of salary or wages to the extent of \$ [amount] be attached to the Judgment Debt, being the total owing displayed earlier on this Form.
3. The costs of obtaining this order (including attendance) be fixed at \$ [cost of interim order] and be reserved.
4. The proceeding be adjourned to the date and time shown at the beginning of the form to give the Judgment Debtor and the Garnishee an opportunity to be heard whether this order should be confirmed, varied or revoked.
5. The garnishee be restrained from dealing with money to which this order relates until the Court determines whether this order should be confirmed, varied or revoked.

To the Garnishee: WARNING

You **must not** deal with the monies to which this order relates until the hearing referred to above has occurred and the Court has made final orders.

Failure to comply with this order is a **contempt of court** and you will be liable to **imprisonment and/or a fine** or other punishment. Any other person who knows of this order and does anything which helps or permits you to breach the terms of this order may be similarly punished.

In you do not comply with this order, you become **personally liable** for payment to the Judgment Creditor of the amount subject to attachment.

Court use only

.....
Registrar

57. In Schedule 7, Form 149—Final Garnishee Order is deleted and substituted as follows:

Form 149

To be inserted by Court

Case Number:

Date Signed:

FDN:

FINAL GARNISHEE ORDER

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

CIVIL JURISDICTION

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

First Applicant

First Respondent

First Interested Party

Judgment Creditor	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 Judgment Creditors

Judgment Debtor	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			

Duplicate panel if multiple Judgment Debtors

Garnishee	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			

Total Owing	
Total due on Interim Order	\$
Cost of Final Order	\$
Total Owing	\$

<p>Introduction</p> <p>[Presiding Officer]</p> <p>Application made by:</p> <p>Appearances</p> <p>[Applicant Appearance Information]</p> <p>[Respondent Appearance Information]</p> <p>[Third Party Appearance Information]</p> <p>[Interested Party Appearance Information]</p> <p>Date of Order: [date]</p> <p>Terms of Order</p> <p>It is ordered that:</p> <p>6. Any money owing or accruing to the Judgment Debtor from the Garnishee other than in the nature of salary or wages be attached to the Judgment Debt, being the total owing displayed earlier on this Form.</p>

7. Any money owing or accruing to the Judgment Debtor from the Garnishee in the nature of salary or wages to the extent of \$[amount] be attached to the Judgment Debt, being the total owing displayed earlier on this Form.
8. The costs of obtaining this final order (including attendance) be fixed at \$[insert cost of final order], be paid by the Judgment Debtor to the Judgment Creditor and be added to the amount of the Judgment Debt the subject of the attachment.
9. The Garnishee is entitled to retain from the money subject to attachment the sum of \$[amount] as compensation for the Garnishee's expenses in complying with the order.

To the Garnishee: WARNING

You **must not** deal with the monies attached to the Judgment Debt other than in accordance with the above orders.

Failure to comply with this order is a **contempt of court** and you will be liable to **imprisonment and/or a fine** or other punishment. Any other person who knows of this order and does anything which helps or permits you to breach the terms of this order may be similarly punished.

In you do not comply with this order, you become **personally liable** for payment to the Judgment Creditor of the amount subject to attachment.

Court use only

.....

Registrar

58. In the index to Schedule 7, the words “Form 170—Sheriff Notice” are inserted immediately after the words “Form 169— Warrant of Possession of Personal Property”.
59. In Schedule 7, a new Form 170—Sheriff Notice is inserted immediately after Form 169— Warrant of Possession of Personal Property as follows:
Form 170

To be inserted by Court

Case Number:

Date Filed:

SHERIFF NOTICE

[*SUPREME/DISTRICT/MAGISTRATES*] Delete all but one 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.

Served by the Sheriff's Office					
Name of Sheriff's Officer		Full name			
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			

Next box only displayed if notice is being served on a judgment debtor pursuant to s 7(2a) of the *Enforcement of Judgments Act 1991*

Judgment Debtor		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 Judgment Debtors

Next box only displayed if notice is being served on a third party pursuant to s 7(2b) of the *Enforcement of Judgments Act 1991*

Third Party	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))			
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 Third Parties

Notice to Judgment Debtor or Third Party

The sheriff named in this notice is in receipt of real or personal property specified below and is directed to sell the interest of [judgment debtor and/or third party] in that property.

The specified real or personal property includes the following:

[.....]

[.....]

[.....]

For the purpose of determining whether and to what extent the judgment debtor and/or third party has a saleable interest in the real or personal property, you are required to provide to the sheriff the following information (or documents) relating to the interests of third parties in the specified real or personal property:

[.....]

[.....]

[.....]

This notice is made under section 7[(2a)/(2b)] of the Enforcement of Judgments Act 1991.

To the Judgment Debtor or Third Party: WARNING

Failure to comply with the requirements of this Notice is a criminal offence punishable by a maximum penalty of \$5,000.

60. In the index to Schedule 7, the words “Form 189—Information Sheet – Setting Down Appeal or Case Stated for Hearing” is deleted and substituted by the words ““Form 189—Information Sheet””.
61. In Schedule 7, Form 189—Information Sheet is deleted and substituted as follows:
Form 189

To be inserted by Court

Case Number:

Date Filed:

FDN:

INFORMATION SHEET

SUPREME COURT OF SOUTH AUSTRALIA

[*COURT OF APPEAL*] if applicable

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.

First 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 <small>If any</small>	Law Firm	Solicitor

Appeal details

Solicitor for the Appellant: [name, telephone, email]

Counsel for the Appellant: [name, telephone, email]

Solicitor for the Respondent: [name, telephone, email]

Counsel for the Respondent: [name, telephone, email]

The following Judges may be disqualified from hearing the appeal/case stated:

[name] because [reason]

Counsel availability for next three sittings of the Court of Appeal:

Appellant: [dates]

Respondent: [dates]

Estimated length of hearing: [insert time]

Proposed division of time between counsel.

Appellant: [time]

Respondent: [time]

Appellant in reply: [time]

Any other factors that need to be considered: [factors]

Notes

1. This form is to be signed by the solicitor for the party, or if self-represented the party, who has the conduct of the appeal/case stated.
2. The Appellant must lodge and serve this form, completed as to the Appellant's information, at the same time as filing the notice of appeal.
3. The Respondent must insert the Respondent's information within 7 days of the filing of the appeal.
4. The Appellant must file and serve the completed form within 14 days of the filing of the appeal.

Signed

.....
Signature

.....
Name printed

.....
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 Civil (No 10) 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 this 11th day of December 2023.

CHIEF JUSTICE KOURAKIS
CHIEF JUDGE EVANS
CHIEF MAGISTRATE HRIBAL
JUDGE ELDRIDGE

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

Uniform Special Statutory (No 2) 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 2) Amending Rules 2023.

1. These Rules may be cited as the *Uniform Special Statutory (No 2) Amending Rules 2023*.
2. The *Uniform Special Statutory Rules 2022* (“the Rules”) are amended as set out below.
3. The amendments made by these rules come into effect on the later of—
 - (a) Monday 1 January 2024; or
 - (b) the date of their publication in the Gazette.
4. A new Part 10 to Chapter 4 is inserted as follows:

“Part 10—Other Applications

Division 1—Assistance in relation to Child Exploitation Offence Data

215.1—Application

- (1) An application for an order under section 74BR of the *Summary Offences Act 1953* requiring a specified person to provide information or assistance in respect of computer data must be—
 - (a) in the prescribed form; and
 - (b) supported by an affidavit in the prescribed form.

Prescribed forms—

Form 4G Originating Application Ex Parte

Form 7 Affidavit

Note—

Section 74BR of the *Summary Offences Act 1953* empowers a magistrate to make an order requiring a specified person to provide information or assistance that is reasonable or necessary to allow a police officer to access, examine, copy or reproduce computer data

215.2—Order

If an order is made requiring a specified person to provide information or assistance in respect of computer data—

- (a) the record of outcome must be in the prescribed form; and

Prescribed form—

Form 91 Record of Outcome

- (b) if a formal order is issued, it must be in the prescribed form.

Prescribed form—

Form 92AP Order – Order to Provide Information or Assistance to Access Data”

5. In the index to Schedule 1, the words “Form 4G—Originating Application Ex Parte – Application for Order to Provide Information or Assistance to Access Data” are inserted immediately after the words “Form 4F—Originating Application Ex Parte – Witness Protection Act Order” and immediately before the words “Form 5—Originating Application Ex Parte – Warrant”.
6. In Schedule 1, Form 4G—Originating Application Ex Parte – Application for Order to Provide Information or Assistance to Access Data is inserted as follows:

Form 4G

To be inserted by Court

Case Number:

Date Filed:

FDN:

**ORIGINATING APPLICATION EX PARTE – APPLICATION FOR ORDER TO PROVIDE
INFORMATION OR ASSISTANCE TO ACCESS DATA****Summary Offences Act 1953 s 74BR**

MAGISTRATES COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]**Applicant**

Applicant	Full Name		
Name of responsible officer <small>If applicable</small>	Full Name		
Responsible officer details <small>If applicable</small>	Rank/position	Number/identifier	
Name of law firm/solicitor <small>If any</small>	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		
Phone Details	Email address		
	Type (eg. home; work; mobile) – Number		
	Another number (optional)		

Application Details

Matter type: [Enter matter type]

This Application is made under section 74BR of the Summary Offences Act 1953 in connection with a child exploitation offence that is suspected to have been committed, and in relation to which the order is required:

State the nature of the offence.

This Application is for an order requiring that [Specified Person], date of birth (date), provide information or assistance that is reasonable or necessary in relation to a computer or data storage device ('the Device'), to allow a police officer to:

- ☐ (a) [access/examine/specify function] in relation to data held on the Device;
- ☐ (b) copy data held on the Device to another computer or data storage device;
- ☐ (c) reproduce or convert data held on the Device into documentary form or another form that enables it to be understood.

The Applicant seeks the orders set out in the draft order:

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

Accompanying Documents

Accompanying this Application is a:

- ☐ Supporting Affidavit mandatory
- ☐ Draft order mandatory
- ☐ If other additional document(s) please list below:

Retention of Documents

The Applicant proposes that the Court retain this Application and the associated documents for [enter period] and then:

- ☐ return the documents to the Applicant.
- ☐ destroy the documents.

17. In the index to Schedule 1, the words "Form 33D—Order – Child Protection Restraining Order (Show Cause)" are inserted immediately after the words "Form 33C—Order – Authorisation to Enter and Inspect Land or Building" and immediately before the words "Form 33E—Order – Child Sex Offenders Registration Act – Control Order (Interim)".
18. In Schedule 1, Form 33D—Order – Child Protection Restraining Order (Show Cause) is deleted and substituted as follows:

Form 33D

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

ORDER – CHILD PROTECTION RESTRAINING ORDER (SHOW CAUSE)

MAGISTRATES COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

v

[FULL NAME]

Respondent

Person against whom order made ('the Respondent')	Full name	Date of birth
---	-----------	---------------

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

Remarks

(a) The Court is satisfied on an interim basis that:

- i. the Respondent is an adult who is, or has been, residing with [name] ("the Child") who is under the age of 17 years of whom the Respondent is not a guardian;

<input type="checkbox"/>	ii. the Respondent and the Child <i>[are/have been]</i> residing at premises other than premises in which a guardian of the Child resides;
<input type="checkbox"/>	iii. <i>[the Respondent/another person who resides at, or frequents, premises at which the Respondent and the Child reside or have resided]:</i> <input type="checkbox"/> has within the preceding 10 years been convicted of a prescribed offence[s] <input type="checkbox"/> <i>[is/has in the past been]</i> subject to a Restraining Order under section 99AAC of the <i>Criminal Procedure Act 1921</i> .
<input type="checkbox"/>	iv. as a consequence of the Child's contact or residence with the Respondent, the Child is at risk of: <input type="checkbox"/> sexual, physical, psychological or emotional abuse or neglect <input type="checkbox"/> engaging in, or being exposed to, conduct that is an offence under Part 5 of the <i>Controlled Substances Act 1984</i> .

(b) The Court is satisfied that a Restraining Order should be made under section 99AAC(2) of the *Criminal Procedure Act 1921*.

Order

Date of Order: *[date]*

Terms of Order

It is ordered that:

Orders in separately numbered paragraphs.

1. The Respondent be restrained on an interim basis until *[date/further order of the Court]* from *[insert restraint]*.
2. *[other orders]*.

Service of this Order

Service of this order on the Respondent is

- ☐ deemed to have been made because the Respondent was present when this order was made (section 99E(3)(c) *Criminal Procedure Act 1921*).
- ☐ required to be made.

To the Respondent: WARNING

The Court has adjourned to the date and time set out at the top of this document the question whether the interim order set out above should not be confirmed.

The Court will hear the Application, or make orders for the hearing of the Application, at the hearing.

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 this order and summons.

If you do not appear at the hearing or on any day to which this matter is adjourned:

- you may be in contempt of court and liable to **imprisonment and/or a fine** or other punishment.
- you may be in contempt of court and liable to **imprisonment and/or a fine** or other punishment.
- the Court may proceed in your absence and orders may be made against you **finally determining** this proceeding without further warning.

If you disobey this interim order, you will commit an offence and will be liable to **a term of imprisonment not exceeding 2 years.**

Authentication

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

19. In Schedule 1, Form 34B—Order and Summons – Child Protection Restraining Order (Show Cause) is deleted and substituted as follows:

Form 34B

To be inserted by Court

Case Number:

Date Filed:

FDN:

Hearing Date and Time:

Hearing Location:

**ORDER AND SUMMONS – CHILD PROTECTION RESTRAINING ORDER (SHOW
CAUSE)**

MAGISTRATES COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Person against whom order made ('the Respondent')	Full name	Date of birth
---	-----------	---------------

Introduction**Hearing**

Hearing Location: [suburb]

[Hearing date]

[Presiding Officer]

Appearances

[Applicant Appearance Information]

Remarks

(c) The Court is satisfied on an interim basis that:

- iii. the Respondent is an adult who is, or has been, residing with [name] ("the Child") who is under the age of 17 years of whom the Respondent is not a guardian;
- iv. the Respondent and the Child [are/have been] residing at premises other than premises in which a guardian of the Child resides;
- ☐ iii. [the Respondent/another person who resides at, or frequents, premises at which the Respondent and the Child reside or have resided]:
 - ☐ has within the preceding 10 years been convicted of a prescribed offence[s]
 - ☐ [is/has in the past been] subject to a Restraining Order under section 99AAC of the *Criminal Procedure Act 1921*.
- ☐ iv. as a consequence of the Child's contact or residence with the Respondent, the Child is at risk of:
 - ☐ sexual, physical, psychological or emotional abuse or neglect
 - ☐ engaging in, or being exposed to, conduct that is an offence under Part 5 of the *Controlled Substances Act 1984*.

(d) The Court is satisfied that a Restraining Order should be made under section 99AAC(2) of the *Criminal Procedure Act 1921*.**Order****Date of Order:** [date]**Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

1. The Respondent be restrained on an interim basis until [date/further order of the Court] from [insert restraint].
2. A Summons be issued to the Respondent to appear before the Court at the time and place shown above to show cause why the order should not be confirmed.
3. [other orders].

Service of this Order

Service of this order on the Respondent is

- ☐ deemed to have been made because the Respondent was present when this order was made (section 99E(3)(c) *Criminal Procedure Act 1921*.
- ☐ required to be made.

To the Respondent: WARNING

You are summoned to attend before the Court at the date and time set out at the top of this document to show cause why the interim order set out above should not be confirmed.

The Court will hear the Application, or make orders for the hearing of the Application, at the hearing.

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 this order and summons.

If you do not appear at the hearing or on any day to which this matter is adjourned:

- you may be in contempt of court and liable to **imprisonment and/or a fine** or other punishment.
- you may be in contempt of court and liable to **imprisonment and/or a fine** or other punishment.

the Court may proceed in your absence and orders may be made against you **finally determining** this proceeding without further warning.

If you disobey this interim order, you will commit an offence and will be liable to **a term of imprisonment not exceeding 2 years**.

Authentication

.....

Signature of Court Officer
[title and name]

20. 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				
Address	<small>Full Name</small>			
	<small>Street Address (including unit or level number and name of property if required)</small>			
	<small>City/town/suburb</small>	<small>State</small>	<small>Postcode</small>	<small>Country</small>
	<small>Email address</small>			
Date of Birth	<small>Date of Birth</small>		<small>Driver's Licence no</small>	
Phone Details	<small>Type (e.g. Home; work; mobile) - Number</small>		<small>Another number</small>	

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 organised 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.

Youth Aboriginal Community Court Adelaide Conditions

- ☐ 72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
- ☐ 74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

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]

1. 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:

	<ul style="list-style-type: none">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.
<input type="checkbox"/>	30. Youth only I must live at [address] and stay there while on Bail. I must not leave at any time except for: <ul style="list-style-type: none">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.
<input type="checkbox"/>	31. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
<input type="checkbox"/>	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].
<input type="checkbox"/>	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].
<input type="checkbox"/>	34. mandatory if serious and organised crime suspect When I am released from Court: <ul style="list-style-type: none">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 deviceb. 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.

Youth Aboriginal Community Court Adelaide Conditions

- ☐ 72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.

- ☐ 74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

Next box only displayed if bail is granted for an offence where a presumption against bail exists (for certain Commonwealth child sex offences under section 15AAA of Crimes Act 1914 (Cth))

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]

2. 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.

5. The *[Applicant/Respondent]* *[name]* be granted bail subject to the conditions listed below and entering into a Bail Agreement containing those conditions.
6. 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.

7. **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
- 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 organised 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.

Youth Aboriginal Community Court Adelaide Conditions

☐ 72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.

☐ 73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.

☐ 74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

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(3) 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]

3. 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.

Youth Aboriginal Community Court Adelaide Conditions

- ☐ 72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
- ☐ 74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

Authentication

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

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

Form 92S

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Signed:</p> <p>FDN:</p>
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ORDER – EXTRADITION INTERNATIONAL – SURRENDER BY CONSENT AND BAIL

MAGISTRATES COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

<p>Introduction</p> <p>Hearing</p> <p>Hearing Location: <i>[suburb]</i></p> <p><i>[Hearing date]</i></p> <p><i>[Presiding Officer]</i></p> <p>Appearances</p>
--

[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

- ☐ 6. **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.
- ☐ 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. 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.
- ☐ 9. 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.
- ☐ 10. **Adult Only** I must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- ☐ 11. **Youth Only** I must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- ☐ 12. **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.
- ☐ 13. **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.

- ☐ 14. **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]*.
- ☐ 15. **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).
- ☐ 16. 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

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

Firearms

- ☐ 20. I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- ☐ 21. 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.
- ☐ 22. 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

- ☐ 23. **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.

- ☐ 24. **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*].
- ☐ 25. **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.
- ☐ 26. **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.
- ☐ 27. I must not leave the court building or my current institution until I have been fitted with an electronic transmitter.
- ☐ 28. 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].
- ☐ 29. 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].

- ☐ 30. 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.
- ☐ 31. 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.
- ☐ 32. 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)

- ☐ 33. I must live at [address].
- ☐ 34. Adult only I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port

Adelaide SA 5013.

- ☐ 35. I must live where my Supervising Officer directs.
- ☐ 36. **Youth Only** I must live where *[my Supervising Officer/the Department for Child Protection]* directs, at first with *[name]*.
- ☐ 37. 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.
- ☐ 38. **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]*.
- ☐ 39. 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.
- ☐ 40. **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.
- ☐ 41. I must not live at *[address(es)]*.
- ☐ 42. I must not live with *[name(s)]*.

Monitoring

- ☐ 43. 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

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

Drug and Alcohol

- ☐ 45. 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.

- ☐ 46. 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

47. 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

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

Guarantee

- ☐ 50. 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.
- ☐ 51. 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.
- ☐ 52. 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.

Youth Aboriginal Community Court Adelaide Conditions

- ☐ 53. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 54. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
- ☐ 55. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

5. In Schedule 1, Form 92T—Order – Extradition Interstate - Subject to be Remanded on Bail to Appear in Another State is deleted and substituted as follows:

Form 92T

To be inserted by Court

Case Number:

Date Filed:

FDN:

**ORDER – EXTRADITION INTERSTATE – SUBJECT TO BE REMANDED ON BAIL TO
APPEAR IN ANOTHER STATE**

[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/Youth Appearance Information]

Remarks

(a) The Respondent was brought before [name of Judicial Officer].

(b) A warrant has been issued for the apprehension of the Respondent by the [Court] in [State/Territory] and the Respondent is the person named in the warrant.

Order**Date of Order:** [date]**Terms of Order**

It is ordered that:

Orders in separately numbered paragraphs.

8. The Respondent be granted bail subject to the conditions listed below and entering into a Bail Agreement containing those conditions.
9. 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.
10. 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.
11. [other orders].

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

1. I must travel to [State/Territory] and appear at the [Court] at [location] on [date] at [time] in the proceeding in that Court the subject of the primary warrant and obey the conditions of this Bail Agreement.
2. I must appear, if and when I am required to surrender, to be conveyed to the extraditing country.
- ☐ 3. I must pay to the Court \$[amount] if I break any terms or conditions of this Bail Agreement.
- ☐ 4. 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.

Firearms

- ☐ 5. I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.

- ☐ 6. 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.
- ☐ 7. 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.

Monitoring

- ☐ 8. Until I leave South Australia in accordance with condition 1, I:
 - a. must wear an 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.
 - b. 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.
 - c. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - d. 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.

Other Conditions

- ☐ 9. *[other conditions]*
- ☐ 10. 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.
- ☐ 11. 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.
- ☐ 12. 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.

Youth Aboriginal Community Court Adelaide Conditions

- ☐ 13. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 14. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.

- ☐ 15. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

6. 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	
Address	<small>Full Name</small>

	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 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
 - 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.

Youth Aboriginal Community Court Adelaide Conditions

- ☐ 72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
- ☐ 74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

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

7. In Schedule 1, Form 94A—Bail Agreement – Extradition is deleted and substituted as follows:

Form 94A

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

BAIL AGREEMENT – EXTRADITION

Service and Execution of Process Act 1992 s 83(8)(a)

Extradition Act 1988 s 18(2)(b), 19(9)

[MAGISTRATES/YOUTH] COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

Respondent subject of bail agreement			
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 and Licence number	Date of Birth	Driver's Licence No	
Phone Details	Type (e.g. home; work; mobile) – Number	Another number	

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

- ☐ 1. I must travel to [State/Territory] and appear at the [Court] at [location] on [date] at [time] in the proceeding in that Court the subject of the primary warrant and obey the conditions of this Bail Agreement.
- ☐ 2. I must appear, if and when I am required to surrender, to be conveyed to the extraditing country.
- ☐ 3. I must pay to the Court \$[amount] if I break any terms or conditions of this Bail Agreement.
- ☐ 4. 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.

Firearms

- ☐ 5. I must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
- ☐ 6. 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.
- ☐ 7. 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.

Monitoring

- ☐ 8. Until I leave South Australia in accordance with condition 1, I:
- a. must wear an 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.
 - b. 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.
 - c. must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.
 - d. 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.

Other Conditions

- ☐ 9. [*other conditions*]
- ☐ 10. 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
- ☐ 11. 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.
- ☐ 12. 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.

Youth Aboriginal Community Court Adelaide Conditions

- ☐ 13. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 14. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
- ☐ 15. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

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 or the person who prepared the bail agreement

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]

8. 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				
Address	Full Name			
	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
 - 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:
- 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:
- 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.

<p>d. I must not do any water related sport or activity at any time unless this has been approved beforehand by my Supervising Officer.</p> <p>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.</p> <p>f. I must answer any calls or text messages from my Supervising Officer straight away on the mobile phone number I have given.</p> <p>g. I must comply with any direction given by my Supervising Officer.</p> <p><input type="checkbox"/> 35. I give permission for the Department [for <i>Correctional Services/of Human Services</i>] 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.</p> <p><input type="checkbox"/> 36. If an emergency requires me to move to another address:</p> <p>a. I must not move until I have obtained the permission of my Supervising Officer; and</p> <p>b. I must apply to the Court for a variation of the conditions of this Bail Agreement within 2 working days; and</p> <p>c. the conditions of this Agreement will continue to apply as though the new address were specified in this Agreement.</p> <p>Residence (place of living)</p> <p><input type="checkbox"/> 37. I must live at [address]</p> <p><input type="checkbox"/> 38. Adult only I must live at the Bail Support Accommodation Program Facility at 77 Thomas Place, Port Adelaide SA 5013.</p> <p><input type="checkbox"/> 39. I must live where my Supervising Officer directs.</p> <p><input type="checkbox"/> 40. Youth Only I must live where [my Supervising Officer/the Department for Child Protection] directs, at first with [name].</p> <p><input type="checkbox"/> 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:</p> <p>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;</p> <p>b. in line with the terms and conditions of this Bail Agreement.</p> <p><input type="checkbox"/> 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:</p> <p>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;</p>

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.

Youth Aboriginal Community Court Adelaide Conditions

- ☐ 72. I must be supervised by a Youth Aboriginal Community Court Adelaide ('YACCA') Coordinator for the term of this Bail Agreement and I must obey their lawful directions.
- ☐ 73. I must go to an assessment at the Youth Court as directed by my YACCA Coordinator.
- ☐ 74. I must go to and complete any YACCA related activities that my YACCA Coordinator reasonably directs.

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

To be inserted by Court
Case Number:
Date Filed:

FDN:

ORDER – CHILD PROTECTION RESTRAINING ORDER AND ACKNOWLEDGMENTMAGISTRATES COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION**[FULL NAME]**

Applicant

[FULL NAME]

Respondent

Person against whom order made ('the Respondent')	Full name	Date of birth
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Introduction**Hearing**

Hearing Location: [suburb]

[Hearing date] [

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

RemarksPursuant to section 99AAC of the *Criminal Procedure Act 1921*, the Court is satisfied that:

- (a) the Respondent is an adult [who is/has been] residing with [name] ("the Child") who is under the age of 17 years of whom the Respondent is not a guardian.
- (b) the Respondent and the Child [are/have been] residing at the premises other than the premises in which a guardian of the Child resides.
- (c) one of the next two options must be selected the [Respondent/another person] who [resides at/frequents] the premises at which the Respondent and the Child [reside/have resided]:
 - ☐ has, within the preceding 10 years, been convicted of a prescribed offence.
 - ☐ [is/has at any time] been subject to a restraining order.
- (d) as a consequence of the [Child's contact/residence] with the Respondent, the Child is at risk of
 - ☐ sexual abuse or physical, psychological or emotional abuse or neglect.
 - ☐ engaging in, or being exposed to, conduct that is an offence under Part 5 of the *Controlled Substances Act 1984*.

(e) the making of the order is appropriate in the circumstances.

Order

Date of Order: [date]

Orders

It is ordered that:

Orders in separately numbered paragraphs.

1.

To the Respondent: WARNING

- Non-compliance with a served order renders you liable to a term of imprisonment not exceeding 2 years.
- Upon registration, this order is also enforceable in other Australian States and Territories.

Authentication

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

Acknowledgement by Respondent

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 obey these conditions.

.....
Signature of Respondent

.....
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 is in a training centre, the person in charge of a prison if the Defendant 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

10. In Schedule 1, Form 92AD—Order – Mental Impairment Continuing Supervision Order is deleted and substituted as follows:

Form 92AD

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER – MENTAL IMPAIRMENT CONTINUING SUPERVISION ORDER

SUPREME COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

Introduction

Hearing

Hearing Location: [suburb]

[Hearing date] [Listed starting time]

Hearing type:

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

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

Remarks

- (a) The Court has received a report of at least one legally qualified medical practitioner (nominated by a prescribed authority) who has examined the Respondent and reported to the Court as to the mental condition of the Respondent including a diagnosis and prognosis of the condition and a suggested treatment plan for managing the Respondent's condition.
- (b) Pursuant to section 269UA of the *Criminal Law Consolidation Act 1935*, the Court is satisfied that the Respondent could, if unsupervised, pose a serious risk to the safety of the community or a member of the community if not supervised under a continuing supervision order.

Order

Date of Order: [date]

Terms of Order

Pursuant to section 269UA of the *Criminal Law Consolidation Act 1935*, it is ordered that:

Orders in separately numbered paragraphs

1. the Respondent is to be subject to a Continuing Supervision Order until further order.
2. the Respondent is
 - ☐ committed to detention
 - ☐ released on conditional licence subject to the conditions below.

Conditions of Licence**General**

- ☐ 1. The Respondent must be of good behaviour and obey the conditions of this Order.

Supervision

- ☐ 2. **Adult Only** The Respondent be supervised by a Department for Correctional Services Community Corrections Officer ('the Supervising Officer') nominated by the Parole Board and the Respondent must obey their reasonable directions about non-medical matters.
- ☐ 3. **Youth Only** The Respondent 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 Respondent must obey their reasonable directions about non-medical matters.
- ☐ 4. **Adult Only** The Respondent 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 Respondent be psychiatrically reviewed on a regular basis as directed by the Director or the nominee.
- ☐ 5. **Youth Only** The Respondent 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 Respondent be psychiatrically reviewed on a regular basis as directed by the Director or the nominee.
- ☐ 6. If the Director or nominee thinks it appropriate, management of the treatment and monitoring of the Respondent'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.
- ☐ 7. If the Director or nominee thinks it appropriate, management of the treatment and monitoring of the Respondent'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 the Director's reasonable directions about the treatment and monitoring of their mental health.

Residence (place of living)

- ☐ 8. The Respondent must reside at an address nominated or approved by the Supervising Officer and must not change residence without prior approval from the Supervising Officer.

- ☐ 9. The Respondent 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.
- ☐ 10. The Respondent 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.
- ☐ 11. The Respondent 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.
- ☐ 12. After a period of successful overnight leave, the Respondent, 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 a previous application for variation or revocation having been refused.
- ☐ 13. The Respondent must stay at the required address *[between the hours of [time] and [time]]* and the Respondent 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 Respondent or another; or
 - b. for any other reason approved by the Supervising Officer.
- ☐ 14. For a period of *[no. of years/months/days]* from the date of this Order the Respondent 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.
- ☐ 15. If an emergency requires the Respondent to move to another facility or address, they must not move until they have obtained the permission of their Department for Correctional Services Supervising Officer or the Parole Board.
- ☐ 16. The Respondent 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

- ☐ 17. The Respondent's case be managed by the *[name of unit/team]* at *[name of facility]* and the Respondent 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.
- ☐ 18. The Respondent'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 Respondent must obey the reasonable directions of that team, particularly for going to appointments nominated by the team[s] *[or advisor]*.
- ☐ 19. The Respondent 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 Director or the nominee reasonably directs.
- ☐ 20. The Respondent must obey the reasonable directions of the Supervising Officer with respect to:
 - a. counselling;
 - b. psychological treatment;
 - c. going to rehabilitation assessments;
 - d. vocational or occupational programs;
 - e. drug and alcohol rehabilitation programs.
- ☐ 21. The Respondent must be referred to a clinical psychologist for cognitive-behavioural therapy to assist, particularly in the area of anxiety management and treatment.
- ☐ 22. The Respondent must obey in every respect any treatment plan prepared or directed by the Director or the nominee.
- ☐ 23. The Respondent 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.
- ☐ 24. The Respondent 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

- ☐ 25. The Respondent 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 Respondent 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 Respondent must sign all needed forms and obey all of the testing procedures.

Firearms

- ☐ 26. The Respondent 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.
- ☐ 27. The Respondent 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.
- ☐ 28. The Respondent 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

- ☐ 29. The Respondent 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

- ☐ 30. The Respondent 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.
- ☐ 31. The Respondent 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 Director or the nominee;
 - passing through continuously on public or private transport;
 - visiting [insert place/address].
- ☐ 32. The Respondent 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 Respondent's Supervising Officer;
 - passing through continuously on public or private transport;
 - visiting [insert place/address].

- ☐ 33. Despite the terms of this Order, the Respondent is allowed to:

- a. travel on but not stop on [list roads];
- b. enter or stop on [insert place/address] to catch public transport.

- ☐ 34. 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].

- ☐ 35. The Respondent 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 Respondent 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 Respondent performing essential activities of daily living, for example, shopping at a supermarket.

- ☐ 36. The Respondent 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.

- ☐ 37. The Respondent must not go or stay within [number] metres of the boundary of any place where [name] may live or work.

- ☐ 38. The Respondent 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)].

- ☐ 39. The Respondent must not assault, harass, threaten or intimidate [name].

- ☐ 40. The Respondent must obey the terms of any active Intervention Order.

Internet and Communication

- ☐ 41. The Respondent 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

- ☐ 42. For the initial period of release on licence the Respondent 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]".
- ☐ 43. 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.
- ☐ 44. 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.
- ☐ 45. An activity plan must be prepared each week detailing the Respondent's proposed leave arrangement. A copy of this plan is then to be emailed each week to the nominated South Australian Police liaison officer.

Travel

- ☐ 46. The Respondent 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.
- ☐ 47. The Respondent 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*].
- ☐ 48. The Respondent must tell the Supervising Officer in advance of an intention to travel in any motor vehicle, including private or public transport.
- ☐ 49. 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.
- ☐ 50. The Respondent 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

- ☐ 51. [*Other conditions*]

Warning only displayed if release on licence

To the Respondent: WARNING

If you do not comply with the licence conditions:

- You may be arrested.
- You may be committed to detention until further order.
- The conditions of this continuing supervision order may be varied to impose more stringent conditions.

Authentication

.....

Signature of Court Officer

[title and name]

Acknowledgement only displayed if release on licence

Acknowledgement by Respondent

I acknowledge that I have received a copy of this Continuing Supervision Order.

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

.....
Signature of Respondent

.....
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 Judicial Officer making order

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

.....
Date

11. In the index to Schedule 1, the words “Form 92AP—Order – To Provide Information or Assistance to Access Data” are inserted immediately after the words “Form 92AO—Order – Vehicle Clamping Act – Extension of Clamping, Credit Provider Relief” and immediately before the words “Form 92B—Order – Animal Welfare Act Disposal of Animal”.
12. In Schedule 1, Form 92AP—Order – To Provide Information or Assistance to Access Data is inserted as follows:

Form 92AP

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER – TO PROVIDE INFORMATION OR ASSISTANCE TO ACCESS DATA

Summary Offences Act 1953 s 74BR

MAGISTRATES COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

Introduction

Hearing

Hearing Location: *[location]*

[Hearing date]

[name of judicial officer]

Appearances

[Applicant Appearance Information]

Remarks

The Magistrate is satisfied that:

- (a) there are reasonable grounds to suspect that data held on a computer or data storage device, namely [describe device specifically or generically] ('the Device'), may afford evidence of a child exploitation offence;
- (b) [Full Name of Specified Person], date of birth [date], ('the Specified Person') is:
 - ☐ reasonably suspected of having committed a child exploitation offence in relation to which the order is sought.
 - ☐ the [owner/lessee] of the Device;
 - ☐ an employee of the [owner/lessee] of the Device;
 - ☐ a person engaged under a contract for services by the [owner/lessee] of the Device;
 - ☐ a person who [uses/has used] the Device;
 - ☐ a person who [is/was] a system administrator for the system including the Device;
- (c) the Specified Person has relevant knowledge of:
 - ☐ [the Device/a computer network of which the Device forms/formed a part].
 - ☐ measures applied to protect data held on the device.

Order**Date of Order:** *[date]***Terms of Order**Pursuant to s 74BR(1) of the *Summary Offences Act 1953*, it is ordered that:

1. The Specified Person provide to the applicant or another police office in conjunction with the applicant.

☐ *[specify information and/or assistance]*☐ any information or assistance that is reasonable or necessary.

to allow the applicant or another police office in conjunction with the applicant to:

- (a) *[access/examine/specify function]* in relation to data held on the Device;
- (b) copy data held on the Device to another computer or data storage device;
- (c) reproduce or convert data held on the Device into documentary form or another form that enables it to be understood.

2. The Specified Person provide the information and/or assistance at *[address of location]*.

3. ~~Delete if not applicable~~ The Specified Person provide the information and/or assistance within *[specified period]*.

4. ~~Delete if not applicable~~ *[Other conditions to which the requirement to provide information or assistance is subject]*

To the Specified Person: WARNING

If you fail to comply with this order without reasonable excuse, you will be guilty of an offence which carries a maximum penalty of imprisonment for 5 years.

Authentication

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

13. In the index to Schedule 1, the words “Form 114AA—Record of Outcome [Revocation of Interim Variation of Intervention Order]” are inserted immediately after the words “Form 114—Record of Outcome [Variation or Revocation]”.
14. In Schedule 1, Form 114AA—Record of Outcome [Revocation of Interim Variation of Intervention Order] is inserted as follows:

Form 114AA

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

**RECORD OF OUTCOME [REVOCATION OF INTERIM VARIATION OF
INTERVENTION ORDER]**

[MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

Introduction
Hearing
Hearing Location: <i>[suburb]</i>
<i>[Hearing date]</i>

Hearing type:

[*Presiding Officer*]

Appearances

[*Applicant Appearance Information*]

[*Respondent Appearance Information*]

Remarks

The Court is satisfied that:

☐ (a) [*any remark*]

Order

Date of Order: [*date*]

Terms of Order

It is ordered that:

Orders in separately numbered paragraphs.

- ☐ 1. the interim variation made on [*date*] of the Final Intervention Order made on [*date*] be revoked pursuant to section 26 of the *Intervention Orders (Prevention of Abuse) Act 2009* with the result that the Final Intervention Order made on [*date*] operates from the date of this order unvaried by the interim variation made on [*date*].
- ☐ 2. [*other orders*].

Authentication

.....
Signature of Judicial Officer
[*title and name*]

15. In the index to Schedule 1, the words “Form 114B—Record of Outcome [Variation or Revocation of Intervention Order]” are inserted immediately after the words “Form

114AA—Record of Outcome [Revocation of Interim Variation of Intervention Order and immediately before the words “Form 115—Order for Variation or Revocation”.

16. In Schedule 1, Form 114B—Record of Outcome [Variation or Revocation of Intervention Order] is inserted as follows:

Form 114B

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

RECORD OF OUTCOME [VARIATION OR REVOCATION OF INTERVENTION ORDER]

[MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

<p>Introduction</p> <p>Hearing</p> <p>Hearing Location: [suburb] [Hearing date]</p> <p>Hearing type:</p>
--

[Presiding Officer]

Appearances

[Applicant Appearance Information]

[Respondent Appearance Information]

Remarks

The Court is satisfied that:

- ☐ (b) The Commissioner of Police, the Respondent and each person protected by the order have had a reasonable opportunity to be heard on the matter.
- ☐ (c) It has had regard to the same matters as it is required to have regard to in considering whether or not to make an Intervention Order and considering the terms of an Intervention Order.
- ☐ (d) mandatory if removing firearms terms The Respondent has never been guilty of violent or intimidatory conduct and needs to have a firearm for purposes related to earning a livelihood.
- ☐ (e) mandatory if order made under section 68R of the Family Law Act 1975 The Court has made an Intervention Order being a Family Violence Order within the meaning of section 4(1) of the *Family Law Act 1975* (Cth).
- ☐ (f) mandatory if Order made under section 68R of the Family Law Act 1975 In making orders under section 68R of the *Family Law Act 1975* (Cth), the Court has had regard to the purposes of Division 11 of the *Family Law Act 1975* (Cth) as stated in section 68N of that Act and to whether spending time with both parents is in the best interests of the child[ren] described below.
- ☐ (g) mandatory if order made under section 68R of the Family Law Act 1975 The Court is satisfied that it is appropriate to [vary/discharge/suspend] the [order/Injunction] described below because a person has been exposed, or is likely to be exposed, to family violence as a result of the operation of that order or Injunction.
- ☐ (h) mandatory if order made under section 68R of the Family Law Act 1975 to revive, vary, discharge or suspend a Parenting Order or Recovery Order as mentioned in section 68R(1)(a) or section 68R(1)(b) The Court is satisfied it has before it material that was not before the Court that made the [order/Injunction] under the *Family Law Act 1975* (Cth).

Order

Date of Order: [date]

Terms of Order

It is ordered that:

Orders in separately numbered paragraphs.

- ☐ 3. Pursuant to section 26 of the *Intervention Orders (Prevention of Abuse) Act 2009*, the Final Intervention Order made on [date] be varied as follows.
provision for multiple [details of variation].
- ☐ 4. Pursuant to section 26 of the *Intervention Orders (Prevention of Abuse) Act 2009*, the Interim Intervention Order made on [date] be varied as follows.
provision for multiple [details of variation].
- ☐ 5. Pursuant to section 27 of the *Intervention Orders (Prevention of Abuse) Act 2009*, the Problem Gambling Family Protection Order made on [date] be varied as follows.
provision for multiple [details of variation].
- ☐ 6. Pursuant to section 29P of the *Intervention Orders (Prevention of Abuse) Act 2009*, the Recognised Domestic Violence Order made in [State/Territory] on [date] [reference number] for the protection of [protected persons] be varied or revoked.
- ☐ 7. The entire:
☐ [Final Intervention/Problem Gambling Family Protection] Order made on [date]
☐ Recognised Domestic Violence Order made in [State/Territory] on [date] [reference number]
be revoked.
- ☐ 8. **Court Family Law Act 1975 section 69J**
The: **provision for multiple**
☐ Parenting Order made on [date] by [Judicial Officer]
☐ Recovery Order made on [date] by [Judicial Officer]
☐ Injunction granted on [date] by [Judicial Officer]
☐ Undertaking given on [date] by [Judicial Officer]
☐ Registered Parenting Plan registered on [date] by [Judicial Officer]
☐ Recognisance entered into on [date] by [name]
in the [Family Court/Federal Circuit Court] in [proceeding number] is:
☐ revived with effect [forthwith/from [date]]
☐ varied with effect [forthwith/from [date]] as follows: [details]
☐ discharged with effect [forthwith/from [date]]
☐ suspended [forthwith/from [date]] until [further order/date]
- ☐ 9. [other orders].

Authentication

.....
Signature of Judicial Officer
[*title and name*]

17. In Schedule 1, Form 101AZ—Search Warrant – Fisheries Management Act is deleted and substituted as follows:

Form 101AZ

To be inserted by Court

Case Number:

Date Signed:

FDN:

SEARCH WARRANT

Fisheries Management Act 2007

MAGISTRATES COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

Duplicate panel if multiple parties

Person the subject of this warrant

Deponent the person who is making the affidavit			
Deponent Details	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		

AffidavitI, *[full name]*,☐ swear on oath that☐ do truly and solemnly affirm that:Enter text in separate numbered paragraphsIf the Affidavit relates to an application, identify the application and state the material facts relevant to the application

1.

[Sworn/Affirmed] select one by the DeponentAt *[place]*On *[date]*.....
Signature of Deponent

before me

Signature of attesting witness

Must be an authorised witness – see rule 31.9 from the Uniform Civil Rules 2020.....
Printed name of witness

.....
Qualification as authorised witness under section 27A(3) of the *Oaths Act 1936*.

Stamp here if applicable

.....
Identification of witness *if applicable*

(ID number of Justice of the Peace; rank, identification number and "South Australia Police" for police officer)

Next box not displayed on completed affidavit

Please ensure you have complied with Instructions for completing an affidavit

Instructions

- Please review the Code of Practice in relation to Affidavits published by the Attorney-General under s 33 of the *Oaths Act 1936* before completing this form.
- The person who makes the affidavit is called the deponent. The deponent makes the affidavit by taking an oath or affirmation in the presence of an authorised witness.
- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- A single 'front page' must be inserted in front of the exhibit(s) in Form 8.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- The declaration should be confined to facts and should not include submissions.
- The declaration should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.

- An affidavit is to be sworn or affirmed in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
 - (a) a Commissioner for taking affidavits in the Supreme Court;
 - (b) a justice of the peace;
 - (c) a police officer, other than a police officer who is a probationary constable;
 - (d) a person admitted and enrolled as a notary public of the Supreme Court;
 - (e) any other person of a class prescribed by regulation.
- The contents of the affidavit cannot be altered after the affidavit has been sworn or affirmed.
- If the deponent is illiterate or blind, see rule 31.7(6). If the deponent does not appear to understand English sufficiently, see rule 31.7(7) from the Uniform Civil Rules 2020.

21. In Schedule 1, Form 112C—Affidavit of Person other than Protected Person – Support Application to Vary or Revoke Intervention Order is deleted and substituted as follows:

Form 112C

To be inserted by Court

Case Number:

Date Filed:

FDN:

AFFIDAVIT OF PROTECTED PERSON [FULL NAME OF DEPONENT]

SUPPORT APPLICATION TO VARY OR REVOKE INTERVENTION ORDER AFFIDAVIT

MADE ON [DATE]

[MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

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>Responsible Solicitor</small>
Name of authorised officer		
<small>If body corporate and no law firm/office</small>	<small>Full name</small>	

Deponent Details	
	<small>Full Name</small>

Affidavit
I, [full name],
<input type="checkbox"/> swear on oath that
<input type="checkbox"/> do truly and solemnly affirm that:
<small>Enter text in separate numbered paragraphs</small>
<small>If the Affidavit relates to an application, identify the application and state the material facts relevant to the application</small>
1.
[Sworn/Affirmed] <small>select one</small> by the Deponent

At <i>[place]</i>
On <i>[date]</i>
..... Signature of Deponent
before me Signature of attesting witness Must be an authorised witness – see rule 31.9 from the Uniform Civil Rules 2020
..... Printed name of witness
..... Qualification as authorised witness under section 27A(3) of the <i>Oaths Act 1936</i> . Stamp here if applicable
..... Identification of witness <i>if applicable</i> (ID number of Justice of the Peace; rank, identification number and “South Australia Police” for police officer)

Next box not displayed on completed affidavit

Please ensure you have complied with Instructions for completing an affidavit

Instructions

- Please review the Code of Practice in relation to Affidavits published by the Attorney-General under s 33 of the *Oaths Act 1936* before completing this form.
- The person who makes the affidavit is called the deponent. The deponent makes the affidavit by taking an oath or affirmation in the presence of an authorised witness.

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- A single 'front page' must be inserted in front of the exhibit(s) in Form 8.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- The declaration should be confined to facts and should not include submissions.
- The declaration should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An affidavit is to be sworn or affirmed in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
 - (f) a Commissioner for taking affidavits in the Supreme Court;
 - (g) a justice of the peace;
 - (h) a police officer, other than a police officer who is a probationary constable;
 - (i) a person admitted and enrolled as a notary public of the Supreme Court;
 - (j) any other person of a class prescribed by regulation.
- The contents of the affidavit cannot be altered after the affidavit has been sworn or affirmed.
- If the deponent is illiterate or blind, see rule 31.7(6). If the deponent does not appear to understand English sufficiently, see rule 31.7(7) from the Uniform Civil Rules 2020.

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 2) 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 this 11th day of December 2023.

_____ **CHIEF JUSTICE KOURAKIS**

_____ **CHIEF JUDGE EVANS**

_____ **CHIEF MAGISTRATE HRIBAL**

_____ **JUDGE ELDRIDGE**

Subject				
Address for service	Full Name			
	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country

To *[[name and/or position]/other]*

Recitals

An Application has been made on *[date]* by fisheries officer, *[name and/or office]* under section 81(5) of the *Fisheries Management Act 2007* for the issue of a Warrant.

The Magistrate is satisfied on information given *[on oath/orally/by affirmation/by Affidavit/by electronic means/other]* that:

- (a) an authorised officer seeks to enter and search the premises described below.
- (b) the Warrant is reasonably required in the circumstances.
- (c) there are reasonable grounds for the issue of the Warrant under section 81(4) of the *Fisheries Management Act 2007*.

Warrant

This warrant authorises the person and persons to whom this warrant addresses to:

- ☐ enter and *[inspect/examine/other]* *[description of place or thing]* *[for the purpose of [description of purpose]]*.
- ☐ break into *[and enter]* *[description of place or thing]* *[for the purpose of [description of purpose]]*.
- ☐ *[other]*.

This warrant:

- ☐ may be executed at any time of day.
- ☐ must not be executed between the hours of *[time]* and *[time]*.
- ☐ may be executed between the hours of *[time]* and *[time]*.

☐ [other].

Expiration

This warrant expires on: [date]

Authentication

.....
Signature of [the Justice of the Peace/ Magistrate]
[title and name]

18. In Schedule 1, Form CP10—Order – Care and Protection Order is deleted and substituted as follows:

Form CP10

To be inserted by Court

Case Number:

Date Filed:

FDN:

ORDER – CARE AND PROTECTION ORDER

YOUTH COURT OF SOUTH AUSTRALIA
CARE AND PROTECTION JURISDICTION

Applicant

AND

Parent/Guardian 1

Parent/Guardian 2

Child 1 (DOB:)

Child 2 (DOB:)

Child 3 (DOB:)

Other Party

Introduction:

The Applicant seeks an Order pursuant to the *Children and Young People (Safety) Act 2017* ('the Act').

Presiding Judicial Officer: [Full Title and Name]

Date of Order: [Date]

Recitals:

[] **ON THE APPLICATION** of the Chief Executive of the Department for Child Protection ('the Chief Executive') for care and protection orders in relation to the abovenamed child/children:

[] **ON THE APPLICATION** of the Chief Executive of the Department for Child Protection ('the Chief Executive') for care and protection orders in relation to the abovenamed child/children, I have read the materials placed before the Court and I am satisfied that it is appropriate to make the order sought by the Chief Executive, having had regard to the provisions of the *Children and Young People (Safety) Act 2017*, in particular Parts 2 and 3 of Chapter 2:

[] **ON THE APPLICATION** of the Chief Executive of the Department for Child Protection ('the Chief Executive') for care and protection orders in relation to the abovenamed child/children, with the consent of the participating parties pursuant to section 54(2) of the Act and without having considered the matters that the Court must otherwise consider in the proceedings:

[] **ON THE APPLICATION** of the Chief Executive of the Department for Child Protection ('the Chief Executive') for care and protection orders in relation to the abovenamed child/children with the participating parties consenting to the matter being referred to the Reunification Court.

[] **ON THE APPLICATION** of the *[Chief Executive of the Department for Child Protection ('the Chief Executive')/Party]* to vary or revoke care and protection orders in relation to the abovenamed child/children:

FINAL ORDERS:

[] The hearing of the application is adjourned to *[date-month-year]* at *[time]* am/pm.

[] The hearing of the application is adjourned to the Reunification Court on *[date-month-year]* at *[time]* am/pm.

[] The period between service upon *[Name]*, the *[Party Title]* and the hearing of the application is reduced to *[number]* day/s.

[] Service upon *[Name]*, the *[child or young person/other party title]* is dispensed with.

[] *[Name]*, the *[Party Title]*, is to enter into a written undertaking for a period of *[number of]* months in the following terms:

- 1.
- 2.
- 3.

[] *[Name of child or young person]*, the *[Party Title]*, is *[authorised / required]* to undergo an examination or assessment.

[] Custody of *[Name of child or young person]*, the *[child / young person]*, is granted to the Chief Executive of the Department for Child Protection for a period of *[number of]* *[days/months]*.

[] *[Name]*, the *[Party Title]*, is *[authorised / directed]* to undergo the following assessment:

[] A mental health assessment by a psychiatrist or clinical psychologist nominated by the Chief Executive who is authorised to conduct such assessment, and to release the results of that assessment to the Chief Executive.

[] A *[drug/alcohol]* assessment by the Director, Drug and Alcohol Services South Australia ('DASSA'), or their nominee who is authorised to conduct such assessment, and to release the results to the Chief Executive.
[Details].

[] Random drug screening as requested by the Department for Child Protection, by such agency as nominated by the Department for Child Protection which is authorised to conduct such assessment and to release the results of that assessment to the Chief Executive.
[Details].

[] A Parenting Capacity Assessment.

[*Details*].

[] [*Other assessment*]

[*Details*].

[] [*Name of child or young person*], the [*Party Title*], is not to be removed from the State of South Australia.

An Order is made requiring the passport of [*Name*], the [*Party Title*], to be held by the Court:

[] For a specified period of [*number*] days.

[] Until further order.

[] [*Name of child or young person*], the [*Party Title*], is placed under the guardianship of the Chief Executive for [*length of order – not exceeding 12 months*].

[] [*Name of child or young person*], the [*Party Title*], is placed under the guardianship of a specified person or persons, namely [*full name/s*] for [*length of order – not exceeding 12 months*].

[] [*Name of child or young person*], the [*Party Title*], is placed under the guardianship of the Chief Executive until they attain 18 years of age.

[] [*Name of child or young person*], the [*Party Title*], is placed under the guardianship of a specified person or persons, namely [*full name/s*] until they attain 18 years of age.

[] [*Name*], the [*Party Title*], be granted custody of [*Name of child or young person*] for [*length of order – not exceeding 12 months*].

[] [*Name of child or young person*], the [*Party Title*], is placed in the custody of the Chief Executive for a period of [*number*] months.

[] [*Name*], the [*Party Title*], is directed to:

[] cease or refrain from residing in the same premises as the child or young person;

[] refrain from coming within [*distance*] of [*place*];

[] to [*do – details*];

[] to refrain from [*doing – details*]

[]

[] The following consequential or ancillary order is made:
[*Details*].

[] The Chief Executive's application is amended by [*details*].

[] The Court recognising that a Declaration is in the best interests of the child or young person, it is declared that the abovementioned [*child / young person*] with be known as [*Full Name*].

[] Previous interim orders are revoked.

[] Interim Order extended [*for the period of the adjournment / period of time*].

[] [Name], the [Party Title], is joined as a party to the proceedings.

[] [Full name of child or young person] is to be returned to the custody of [name/s of parent/s or guardian/s], the [Party Title]:

 [] Until [specify date].

 [] Until the next scheduled hearing.

 [] This is a Final Order.

[] The application has been dismissed.

[] The application has been withdrawn.

[] The child is reunified with the [mother/father/parents].

[] [Other orders].

INTERIM ORDERS:

It is further ordered that during the period of the adjournment:

[] [Name], the [Party Title], is placed under the guardianship of the Chief Executive.

[] [Name], the [Party Title], is placed under the custody of the Chief Executive.

[] [Name], the [Party Title], is placed under the supervision of the Chief Executive.

[] [Other orders such as interim refraining orders – see section 53(1)(k)]

INTERIM ORDER UPON REFERRAL INTO THE REUNIFICATION COURT:

It is further ordered that:

[] [Name], the [Party Title], is placed under the guardianship of the Chief Executive for a period of [number] months.

Order (Vary, Revoke or Discharge):

The Court orders that:

[] The Order made under section 53 [subsection] on [date] of the Act is:

 [] varied in the following way:
 [Details]

 [] revoked;

[] discharged.

Only complete if applicable:

[] *[Details of special circumstances]*

[] The Application of *[Name]*, the *[Party Title]*, to vary, revoke or discharge the order dated *[date-month-year]* is dismissed.

[] The Application of *[Name]*, the *[Party Title]*, to vary, revoke or discharge the order dated *[date-month-year]* is withdrawn.

Notations:

[] Notation on the orders *[details]*

Note on Penalty:

A person who, having been personally served with an Order made by the Court under section 53, contravenes or fails to comply with the order is guilty of an offence. The maximum penalty the penalty is imprisonment for 2 years.

Court use only

.....
Signature of Registrar

.....
Date

19. In Schedule 1, Form 101AD—Search Warrant – Animal Welfare Act is deleted and substituted as follows:

Form 101AD

To be inserted by Court

Case Number:

Date Signed:

FDN:

SEARCH WARRANT**Animal Welfare Act 1985**

MAGISTRATES COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]**Applicant**

Duplicate panel if multiple parties

Person the subject of this warrant				
Subject	Full Name			
Address	Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode	Country

To *[[name and/or position]]/other***Recitals**

An Application has been made on *[date]* by Inspector *[[name and/or office]]* under section 31D of the *Animal Welfare Act 1985* for the issue of a warrant.

The Magistrate is satisfied on Information given *[[on oath/orally/by affirmation/by Affidavit/by electronic means/other]]* that the warrant is reasonably required in the circumstances.

Warrant

This warrant authorises the person and persons to whom this warrant addresses with such assistants as they consider necessary in the circumstances to:

- ☐ use force for the purposes of exercising the powers conferred by section 30(1)(a) of the *Animal Welfare Act 1985*.
- ☐ [other].

This warrant:

- ☐ may be executed at any time of day.
- ☐ must not be executed between the hours of [time] and [time].
- ☐ may be executed between the hours of [time] and [time].
- ☐ [other].

Expiration

Section 31D(6) of the *Animal Welfare Act 1985* provides that this warrant will expire at the expiration of one month from its issue.

Authentication

.....

Signature of Judicial Officer
[title and name]

20. In Schedule 1, Form 112B—Affidavit of Person other than Protected Person – Support Application to Vary or Revoke Intervention Order is deleted and substituted as follows:

Form 112B

To be inserted by Court

Case Number:

Date Filed:

FDN:

--

**AFFIDAVIT OF PERSON OTHER THAN PROTECTED PERSON [*FULL NAME OF
DEPONENT*]**

**SUPPORT APPLICATION TO VARY OR REVOKE INTERVENTION ORDER AFFIDAVIT
MADE ON [*DATE*]**

[*MAGISTRATES/YOUTH*] Select one COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[*FULL NAME*]

Applicant

[*FULL NAME*]

Respondent

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

Deponent the person who is making the affidavit			
Deponent Details		Full Name	
Address		Street Address (including unit or level number and name of property if required)	
		City/town/suburb	State
		Postcode	Country
		Email address	

AffidavitI, *[full name]*,☐ swear on oath that☐ do truly and solemnly affirm that:Enter text in separate numbered paragraphsIf the Affidavit relates to an application, identify the application and state the material facts relevant to the application

1.

[Sworn/Affirmed] select one by the DeponentAt *[place]*On *[date]*.....
Signature of Deponent

before me

Signature of attesting witness

Must be an authorised witness – see rule 31.9 from the Uniform Civil Rules 2020.....
Printed name of witness

.....
Qualification as authorised witness under section 27A(3) of the *Oaths Act 1936*.

Stamp here if applicable

.....
Identification of witness *if applicable*

(ID number of Justice of the Peace; rank, identification number and "South Australia Police" for police officer)

Next box not displayed on completed affidavit

Please ensure you have complied with Instructions for completing an affidavit

Instructions

- Please review the Code of Practice in relation to Affidavits published by the Attorney-General under s 33 of the *Oaths Act 1936* before completing this form.
- The person who makes the affidavit is called the deponent. The deponent makes the affidavit by taking an oath or affirmation in the presence of an authorised witness.
- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- A single 'front page' must be inserted in front of the exhibit(s) in Form 8.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- The declaration should be confined to facts and should not include submissions.
- The declaration should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.

- An affidavit is to be sworn or affirmed in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
 - (a) a Commissioner for taking affidavits in the Supreme Court;
 - (b) a justice of the peace;
 - (c) a police officer, other than a police officer who is a probationary constable;
 - (d) a person admitted and enrolled as a notary public of the Supreme Court;
 - (e) any other person of a class prescribed by regulation.
- The contents of the affidavit cannot be altered after the affidavit has been sworn or affirmed.
- If the deponent is illiterate or blind, see rule 31.7(6). If the deponent does not appear to understand English sufficiently, see rule 31.7(7) from the Uniform Civil Rules 2020.

21. In Schedule 1, Form 112C—Affidavit of Person other than Protected Person – Support Application to Vary or Revoke Intervention Order is deleted and substituted as follows:

Form 112C

To be inserted by Court

Case Number:

Date Filed:

FDN:

AFFIDAVIT OF PROTECTED PERSON [FULL NAME OF DEPONENT]

SUPPORT APPLICATION TO VARY OR REVOKE INTERVENTION ORDER AFFIDAVIT

MADE ON [DATE]

[MAGISTRATES/YOUTH] Select one COURT OF SOUTH AUSTRALIA

SPECIAL STATUTORY JURISDICTION

[FULL NAME]

Applicant

[FULL NAME]

Respondent

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

Deponent Details	
	<small>Full Name</small>

<p>Affidavit</p> <p>I, [full name],</p> <p><input type="checkbox"/> swear on oath that</p> <p><input type="checkbox"/> do truly and solemnly affirm that:</p> <p><small>Enter text in separate numbered paragraphs</small></p> <p><small>If the Affidavit relates to an application, identify the application and state the material facts relevant to the application</small></p> <p>1.</p> <p>[Sworn/Affirmed] <small>select one</small> by the Deponent</p>

At <i>[place]</i>
On <i>[date]</i>
..... Signature of Deponent
before me Signature of attesting witness Must be an authorised witness – see rule 31.9 from the Uniform Civil Rules 2020
..... Printed name of witness
..... Qualification as authorised witness under section 27A(3) of the <i>Oaths Act 1936</i> . Stamp here if applicable
..... Identification of witness <i>if applicable</i> (ID number of Justice of the Peace; rank, identification number and “South Australia Police” for police officer)

Next box not displayed on completed affidavit

Please ensure you have complied with Instructions for completing an affidavit

Instructions

- Please review the Code of Practice in relation to Affidavits published by the Attorney-General under s 33 of the *Oaths Act 1936* before completing this form.
- The person who makes the affidavit is called the deponent. The deponent makes the affidavit by taking an oath or affirmation in the presence of an authorised witness.

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
- A single 'front page' must be inserted in front of the exhibit(s) in Form 8.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- The declaration should be confined to facts and should not include submissions.
- The declaration should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An affidavit is to be sworn or affirmed in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
 - (f) a Commissioner for taking affidavits in the Supreme Court;
 - (g) a justice of the peace;
 - (h) a police officer, other than a police officer who is a probationary constable;
 - (i) a person admitted and enrolled as a notary public of the Supreme Court;
 - (j) any other person of a class prescribed by regulation.
- The contents of the affidavit cannot be altered after the affidavit has been sworn or affirmed.
- If the deponent is illiterate or blind, see rule 31.7(6). If the deponent does not appear to understand English sufficiently, see rule 31.7(7) from the Uniform Civil Rules 2020.

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 2) 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 this 11th day of December 2023.

CHIEF JUSTICE KOURAKIS
CHIEF JUDGE EVANS
CHIEF MAGISTRATE HRIBAL
JUDGE ELDRIDGE

STATE GOVERNMENT INSTRUMENTS

LIVESTOCK ACT 1997

SECTION 33

Conditions for Entry of Livestock, Livestock Products and Other Property into South Australia or a Specified Part of the State

Pursuant to Section 87 of the *Livestock Act 1997*, I, Elise Katherine Spark, deputy Chief Inspector of Stock, with delegated authority from the Minister for Primary Industries and Regional Development, revoke the notice made pursuant to Section 33 of the *Livestock Act 1997* on 19 July 2023, published on 19 July 2023.

Pursuant to Section 33 of the *Livestock Act 1997*, I prohibit entry into the State, or the part of the State specified in bold in Column 2, of the Schedule hereto, the class of livestock, livestock products and/or other property specified in Column 1 of the Schedule subject to the conditions specified in Column 2 of the Schedule (or, if no conditions specified, then absolutely):

SCHEDULE

Column 1 Class of livestock, livestock products or other property	Column 2 Part of the State Conditions
1. Pigs	Entry of pigs into South Australia from herds where Porcine Brucellosis is known or suspected to occur is not permitted. Breeding pigs entering South Australia from Queensland and New South Wales must be accompanied by a completed Pig Health Statement; and (a) A copy of the current Accreditation Certificate for herds accredited under a <i>Brucella suis</i> Accredited Herd Scheme; or (b) Non-accredited herds: (i) Breeding pigs moving to a property or boar testing facility in South Australia require a negative brucellosis serological test conducted within the preceding 30 days; or (ii) Breeding pigs may move to a facility in South Australia approved by the Chief Inspector of Stock where brucellosis testing is conducted prior to release.
2. Bees, bee colonies, hive components (excepting new hive components), apiary products (excepting processed apiary products), apiary appliances (excepting new apiary appliances), and beekeeping plant, that, at any time since 1 January 2021, have been in or associated with bees, bee colonies, hive components, apiary products, apiary appliances or beekeeping plant located in any areas declared under a current NSW Biosecurity (Varroa Mite) Emergency Order as a Varroa mite management emergency zone or in any other State or Territory within which Varroa mite has been detected and reported by any relevant State or Territory authority responsible for any Act or Regulation equivalent to the <i>Livestock Act 1997</i> .	Entry into South Australia is prohibited unless accompanied by written permission of the Chief Inspector of Stock.
3a. To the extent that Item 2 above does not apply, isolated bees or consigned queens that, at any time since 1 January 2021 have been in or associated with bees, bee colonies, hive components, apiary products, apiary appliances and beekeeping plant located in any areas declared under a current NSW Biosecurity (Varroa Mite) Emergency Order as a Varroa mite suppression emergency zone.	Entry into South Australia is prohibited unless accompanied by written permission of the Chief Inspector of Stock.
3b. To the extent that Item 2 above does not apply, bee colonies, hive components (excepting new hive components), apiary products (excepting processed apiary products), apiary appliances (excepting new apiary appliances), and beekeeping plant, that, at any time since 1 January 2021, have been in or associated with bees, bee colonies, hive components, apiary products, apiary appliances and beekeeping plant located in any areas declared under a current NSW Biosecurity (Varroa Mite) Emergency Order as a Varroa mite suppression emergency zone.	Entry into South Australia is prohibited unless entry is compliant with the following conditions imposed by the Chief Inspector of Stock: (a) the applicant must submit a Chief Inspector of Stock approved Varroa Mite Entry Application a minimum of 6 days prior to the proposed entry, and (b) the Varroa Mite Entry Application must be accompanied by a completed Apiary Health Certificate signed by an inspector, and (c) the applicant has undertaken and provided evidence of completion of the applicable conditions specified in Schedules 2-6 of this Gazette Notice' and (d) the entry and management of the movement within South Australia is carried out in accordance with any conditions imposed by the Chief Inspector of Stock as part of any entry permission. (e) the entry and management of the movement within South Australia is carried out in accordance with the Act.

Note: the Chief Inspector of Stock may refuse or withdraw permission or vary conditions at their own discretion at any time.

Column 1 Class of livestock, livestock products or other property	Column 2 Part of the State Conditions
3c. To the extent that Item 2 above does not apply, bees, bee colonies, hive components (excepting new hive components), apiary products (excepting processed apiary products), apiary appliances (excepting new apiary appliances), and beekeeping plant, that, at any time since 1 January 2021, have been in the State of Victoria, the State of Queensland, or the Australian Capital Territory.	<p>Entry into South Australia is prohibited unless entry is compliant with the following conditions imposed by the Chief Inspector of Stock:</p> <ul style="list-style-type: none"> (a) the applicant must submit a Chief Inspector of Stock approved Varroa Mite Entry Application a minimum of 6 days prior to the proposed entry, and (b) the Varroa Mite Entry Application must be accompanied by a completed Apiary Health Certificate signed by an inspector, and (c) the applicant has undertaken and provided evidence of completion of the applicable conditions specified in Schedules 1-6 of this Gazette Notice' and (d) the entry and management of the movement within South Australia is carried out in accordance with any conditions imposed by the Chief Inspector of Stock as part of any entry permission. (e) the entry and management of the movement within South Australia is carried out in accordance with the Act. <p>Note: the Chief Inspector of Stock may refuse or withdraw permission or vary conditions at their own discretion at any time.</p>
4. Bees, bee colonies, hive components (excepting new hive components), apiary products, apiary appliances (excepting new apiary appliances), and beekeeping plant that has at any time been in the State of Tasmania.	<p>Entry into South Australia is prohibited unless accompanied by a completed Apiary Health Certificate signed by an inspector, and for the control of <i>Braula coeca</i>, entry into South Australia is prohibited unless accompanied by written permission of the Chief Inspector of Stock.</p>
5. Bees, bee colonies, hive components (excepting new hive components for Kangaroo Island), apiary products, apiary appliances (excepting new apiary appliances), and beekeeping plant.	<p>Kangaroo Island</p> <p>Entry into Kangaroo is not permitted, excepting for the commodities identified below accompanied by a completed Apiary Health Certificate signed by an inspector, certifying:</p> <ul style="list-style-type: none"> (a) in the case of beeswax, that it has been refined by a heat treatment process approved by the Chief Inspector of Stock, or (b) in the case of hive components, other apiary products and apiary appliances that they have been subjected to a minimum gamma irradiation dose of 15 kilogray (kGy); or (c) in any other case: <ul style="list-style-type: none"> (i) that the commodity has been tested and is free of American foul brood (<i>Paenibacillus larvae</i>) and has been subjected to a temperature of 70°C for two hours or 65°C for eight hours, or a similar approved treatment; or (ii) that the commodity has been subjected to a minimum gamma irradiation dose of 15 kGy; or, (iii) that the commodity has undergone some other treatment process approved by the Chief Inspector of Stock.

For the purposes of Section 33(5) of the *Livestock Act 1997*, Item 2 of this notice is issued for the purposes of controlling or eradicating an exotic disease, being Varroa mites.

Definitions

In this Notice:

‘Apiary’ means a location/site containing one or more colonies grouped together, up to the maximum number of colonies that constitute one full load for the beekeeping plant normally used by the applicant to shift these colonies.

‘Apiary appliance’ means any article, apparatus or implement used in connection with the keeping of bees or the handling or processing of apiary products.

‘Apiary Health Certificate’ means a document called a Health Certificate for the Interstate Movement of bees, bee colonies, hive components, apiary products, apiary appliances and beekeeping plant, or its predecessor, called a Health Certificate for the Interstate Movement of Apiary Products, Bee Colonies Used Appliances, Queen Bees, Escorts, Queen Cells and Package Bees, both available on the SA Department of Primary Industries and Regions website at: www.pir.sa.gov.au

‘Apiary product’ means honey, honey comb, beeswax, pollen, propolis, royal jelly and venom.

‘Associate/Association/Associated with’ means connected by some relationship, including ownership, management or location.

Associations are where the applicant has:

- other colonies, or
- shared management, shared facilities, shared bees, bee colonies, hive components, apiary products, apiary appliances, and/or beekeeping plant, with another party, or
- shared apiary sites with another party, or
- shared apiary sites where bee colonies of another party are located within 200m,

any of which have been at any time since 1 January 2021 in any areas declared under a current NSW Biosecurity (Varroa Mite) Emergency Order as a Varroa mite management emergency zone or in any other State or Territory within which Varroa mite has been detected and reported by any relevant State or Territory authority responsible for any Act or Regulation equivalent to the *Livestock Act 1997*.

‘Bee’ means a bee of the species *Apis mellifera*, of any life stage or caste, either singly or aggregated.

‘Consigned Queen’ means a queen and any associated attendant workers included as escorts that are not part of or contained within a bee colony.

‘Isolated bee’ means a bee either singly or aggregated that are not part of or contained within a bee colony.

‘Queen’ means any life stage of the reproductive female honey bee caste and any associated attendant workers included as escorts, of the species *Apis mellifera*.

‘Bee colony’ means any queen-right or queen-less aggregation of bees, commonly comprising of package bees, swarms, hives, nucs, and queen banks, and associated bases/pallets and securing devices.

In relation to Schedule 1:

- ‘Source nuc’ means a nuc in the apiary from which queens in this consignment were collected, a nuc being a bee colony, and of any size such as standard, micro and mini nucs,
- ‘Source production hive’ means a bee colony used in the production of queen cells such as cell starters and/or finishers, and cell builder support hives, or in holding queens such as queen banks.
- ‘Source support hive’ means a bee colony in the apiary from which queens in this consignment were collected, and which are associated with this consignment by being used for queen (i) emergence, (ii) mating, (iii) holding/banking and/or (iv) escorts

‘Beekeeping plant’ means all vehicles (trucks, cars, utes, trailers, forklifts/loaders, extraction vans and other plant) and associated apiary appliances (load securing devices, apiary water tanks, personal protective equipment, hive inspection equipment, hive sampling equipment, and hive equipment decontamination equipment), and all other plant associated with beekeeping and/or the handling, processing or storing of beekeeping commodities.

‘Commercially processed’ means:

- for beeswax—commercially processed beeswax that does not contain bees, debris, or other apiary products, and has been processed by heating to melting point (to a minimum core temperature of 70°C), and filtering and/or separating (to remove all bees, debris and other apiary products), and further processed by either forming into sheets or moulds, or applying as a liquid, is contained in new containers that have not been exposed to bees or apiary products, packaged so as to be bee-proof, and appropriately labelled, is supplied by a processor, wholesaler or retailer of processed beeswax; and preventing exposure until appropriate usage in South Australia.
- for liquid honey and/or creamed honey—commercially processed honey that has been processed under an appropriate recognised quality assurance program, does not contain bees, debris, or beeswax, and has been processed by filtering (to remove all bees, debris and beeswax, and where filter integrity is maintained, product post filtering is fully enclosed to prevent contamination, and final filter is 420 microns [0.42 mm] or less), further processed by heating and/or mixing, and is contained in either new prepack retail containers labelled in accordance with the requirements of Food Standards Australia New Zealand Code and intended solely for human use, or bulk wholesale containers that are new or prior to filling are cleaned internally and externally to remove all bees and apiary products, and post-filling are securely sealed, externally, cleaned to remove all bees and apiary products and appropriately labelled, and intended solely for human use, is supplied by a processor, wholesaler or retailer of processed honey; and preventing exposure until appropriate usage in South Australia.
- for pollen—commercially processed pollen that has been processed under an appropriate recognised quality assurance program, does not contain bees, debris, or other apiary products, and has been processed by a combination of filtering and/or separating (to remove all bees, debris and other apiary products), and further processed by drying/heating (to a minimum core temperature of 50°C for 20 minutes), freezing (to a minimum core temperature of minus 18°C for 48 hours), and/or gamma irradiated (to a minimum dose of 15 kGy), whilst additional apiary products added as ingredients must be incorporated prior to this further processing step unless they are themselves commercially processed and managed to prevent exposure to any bees or apiary products/other apiary products), is contained in new containers that have not been exposed to bees or apiary products, packaged so as to be bee-proof, and appropriately labelled, is supplied by a processor, wholesaler or retailer of processed pollen; and preventing exposure until appropriate usage in South Australia.

‘Consignee’ means someone who acquires bees, bee colonies, hive components, apiary products, apiary appliances and/or beekeeping plant.

‘Consignor’ means someone who consigns bees, bee colonies, hive components, apiary products, apiary appliances and/or beekeeping plant.

‘Consignment’ means a movement on one particular date into South Australia to an individual consignee.

‘Hive component’ means all components associated with bees and bee colonies.

‘Entry Application’ means the current Chief Inspector of Stock approved Varroa Mite Entry Application for bees, bee colonies, hive components, apiary products, apiary appliances and beekeeping plant, approved by the Chief Inspector of Stock and available on the SA Department of Primary Industries and Regions website at www.pir.sa.gov.au

‘New apiary appliance’ means apiary appliances that have never been exposed to any bees or apiary products or used in connection with beekeeping or the processing of apiary products, are in their original packaging (made externally clean/further bee-proofed as necessary), are supplied by a manufacturer, wholesaler or retailer of new apiary appliances; and preventing exposure until appropriate usage in South Australia.

‘New hive component’ means hive components that have never been exposed to any bees or apiary products (excepting by the inclusion of processed beeswax in the form of foundation either as beeswax foundation sheets or plastic foundation coated in beeswax), or used in connection with beekeeping or the processing of apiary products, are in their original packaging (made externally clean/further bee-proofed as necessary), are supplied by a manufacturer, wholesaler or retailer of new hive components; and preventing exposure until appropriate usage in South Australia. (Note: entry into South Australia of new hive components containing processed beeswax must be accompanied by a completed Apiary Health Certificate signed by an inspector).

‘New hive components for Kangaroo Island’ means commodities that are intended for entry into Kangaroo Island and means the same as ‘New hive components’ but with the addition, for components containing processed beeswax as either beeswax foundation or plastic foundation that has been coated in beeswax, whereby the beeswax, either itself if pre-application and/or combined with the hive components if post-application, are subjected to a refinement process comprising of either a heat treatment process approved in writing by the Chief Inspector of Stock, or a minimum gamma irradiation dose of 15 kGy (Note: entry into Kangaroo Island of new hive components containing processed beeswax must be accompanied by a completed Apiary Health Certificate as identified in Item 7 above).

‘New South Wales Biosecurity (Varroa Mite) Emergency Order’ means an emergency order made under Section 44 of the *Biosecurity Act 2015* (NSW) for Varroa mite, as in force from time to time, whilst the associated:

- ‘Varroa mite management emergency zone’ means areas of New South Wales within a 10-kilometre radius of an infected premises, or not within a 10-kilometre radius of an infected premises but completely surrounded by areas that are within a 10-kilometre radius of an infected premises or surrounded on three sides by areas within a 10-kilometre radius of an infested premises and bounded on the fourth side by the NSW coastline at mean low water, as represented in orange on the associated map and available at the NSW Department of Primary Industries website at www.dpi.nsw.gov.au
- ‘Varroa mite suppression emergency zone’ means areas of New South Wales not including the Varroa mite management emergency zone, as represented in green on the associated map and available at the NSW Department of Primary Industries website at www.dpi.nsw.gov.au

‘Preventing exposure’ means undertaking measures as appropriate to prevent exposure to or cross-contamination with bees or apiary products, and includes decontamination, treatment, identification, sealing, containment, isolation and/or enclosure as necessary, from manufacture/processing until appropriate usage in South Australia.

‘Processed apiary products’ means:

- ‘processed beeswax’ means products containing commercially processed beeswax.
- ‘processed liquid’ and/or creamed honey means products containing commercially processed honey.
- ‘processed pollen’ means products containing commercially processed pollen.

(Note: entry into South Australia of processed apiary products must be accompanied by a completed Apiary Health Certificate signed by an inspector).

‘Varroa mites’ includes all life stages and associated diseases (including Deformed Wing Virus) of mites of the genus Varroa.

‘Pig Health Statement’ means a form called Pig Health Statement for Breeding Pigs Entering South Australia from New South Wales and Queensland available at: www.pir.sa.gov.au

SCHEDULE 1—QUEENS: PRE-ENTRY VARROA MITE TESTING PROCESS CONDITIONS (VICTORIA AND QUEENSLAND ONLY)

	Conditions (to be completed prior to Chief Inspector of Stock Permission being granted)																																							
Species	Queens kept by the applicant (including bees for which permission is sought) must only comprise of and/or be associated with bees of the species <i>Apis mellifera</i> (commonly known as the European honey bee).																																							
Pre-testing	<p>All persons undertaking Varroa mite testing must have completed training (either a Tocal College Varroa Mite Course, or a PIRSA Varroa Mite Course) within the 12 months preceding this application and prior to undertaking testing.</p> <p>Beekeeping plant, storage, processing and packing facilities, and apiary appliances associated with queen rearing, transport and packing, must be new, and/or regularly treated (as per Schedules 3-6 as appropriate), so as to be:</p> <ul style="list-style-type: none">◦ free from bees not originating from the same apiary(s) as the queen(s) and escorts in each consignment,◦ free from pests likely to damage packaging (including wax moth, small hive beetles and rodents),◦ externally clean so as to be free from residual bees and apiary products.																																							
Testing	<p>Bee colonies must be tested using the alcohol wash method published on the SA Department of Primary Industries and Regions website at www.pir.sa.gov.au for this purpose,</p> <p>Testing of bee colonies be completed within the period 28 days—6 days prior to entry,</p> <p>Testing of bee colonies must be completed according to the following testing rate:</p> <table><tr><td>No. of queens in a consignment per apiary</td><td colspan="3">No. of source nucs to sample where:</td><td>No. of source support hives to sample where:</td></tr><tr><td></td><td>300 nurse bees are sampled per nuc producing queens for the consignment, or</td><td>150 nurse bees are sampled per nuc producing queens for the consignment, or</td><td>50 nurse bees are sampled per nuc producing queens for the consignment, or</td><td>300 nurse bees are sampled per nuc producing queens for the consignment</td></tr><tr><td>◦ 1-20 queens</td><td>◦ 1 nuc</td><td>◦ 2 nucs</td><td>◦ 6 nucs</td><td>◦ 1 hive</td></tr><tr><td>◦ 21-100 queens</td><td>◦ 2 nucs</td><td>◦ 4 nucs</td><td>◦ 12 nucs</td><td>◦ 2 hives</td></tr><tr><td>◦ 101-200 queens</td><td>◦ 3 nucs</td><td>◦ 6 nucs</td><td>◦ 18 nucs</td><td>◦ 3 hives</td></tr><tr><td>◦ 201-300 queens</td><td>◦ 4 nucs</td><td>◦ 8 nucs</td><td>◦ 24 nucs</td><td>◦ 4 hives</td></tr><tr><td>◦ 301-400 queens</td><td>◦ 5 nucs</td><td>◦ 10 nucs</td><td>◦ 30 nucs</td><td>◦ 5 hives</td></tr></table> <p>Tested bee colonies must be uniquely identified at time of testing by applying permanent legible marking to the front brood box face for each bee colony tested, and identifying test date and unique apiary and bee colony identifiers,</p> <p>Tested bee colonies must be recorded at time of testing in required records.</p>					No. of queens in a consignment per apiary	No. of source nucs to sample where:			No. of source support hives to sample where:		300 nurse bees are sampled per nuc producing queens for the consignment, or	150 nurse bees are sampled per nuc producing queens for the consignment, or	50 nurse bees are sampled per nuc producing queens for the consignment, or	300 nurse bees are sampled per nuc producing queens for the consignment	◦ 1-20 queens	◦ 1 nuc	◦ 2 nucs	◦ 6 nucs	◦ 1 hive	◦ 21-100 queens	◦ 2 nucs	◦ 4 nucs	◦ 12 nucs	◦ 2 hives	◦ 101-200 queens	◦ 3 nucs	◦ 6 nucs	◦ 18 nucs	◦ 3 hives	◦ 201-300 queens	◦ 4 nucs	◦ 8 nucs	◦ 24 nucs	◦ 4 hives	◦ 301-400 queens	◦ 5 nucs	◦ 10 nucs	◦ 30 nucs	◦ 5 hives
No. of queens in a consignment per apiary	No. of source nucs to sample where:			No. of source support hives to sample where:																																				
	300 nurse bees are sampled per nuc producing queens for the consignment, or	150 nurse bees are sampled per nuc producing queens for the consignment, or	50 nurse bees are sampled per nuc producing queens for the consignment, or	300 nurse bees are sampled per nuc producing queens for the consignment																																				
◦ 1-20 queens	◦ 1 nuc	◦ 2 nucs	◦ 6 nucs	◦ 1 hive																																				
◦ 21-100 queens	◦ 2 nucs	◦ 4 nucs	◦ 12 nucs	◦ 2 hives																																				
◦ 101-200 queens	◦ 3 nucs	◦ 6 nucs	◦ 18 nucs	◦ 3 hives																																				
◦ 201-300 queens	◦ 4 nucs	◦ 8 nucs	◦ 24 nucs	◦ 4 hives																																				
◦ 301-400 queens	◦ 5 nucs	◦ 10 nucs	◦ 30 nucs	◦ 5 hives																																				

Post-testing	<p>The applicant must retain pre-testing integrity and Varroa-free status during subsequent management, transport, storage, processing, packing and entry into South Australia.</p> <p>The applicant must notify PIRSA of all pre-entry notifiable occurrences that occur in the period between the submission of the entry application and entry into South Australia.</p> <p>Tested bee colonies must be:</p> <ul style="list-style-type: none"> • traceable in all documentation and on cages/banks to source apiary(s) of both queens and escorts, • contained in bee-proof queen cages that are sufficiently secured to prevent bee escape during normal handling, and packaged in Australia Post Express Post packaging with all openings comprising of bee-proof hole/mesh openings of less than 2.5 mm, • delivered into South Australia via the Australia Post network.
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SCHEDULE 2—BEE COLONIES: PRE-ENTRY VARROA MITE TESTING PROCESS CONDITIONS

	Conditions (to be completed prior to Chief Inspector of Stock Permission being granted)
Species	Bee colonies kept by the applicant (including bee colonies for which permission is sought) must only comprise of and/or be associated with bees of the species <i>Apis mellifera</i> (commonly known as the European honey bee).
Pre-testing	All persons undertaking Varroa mite testing must have completed training (either a Tocal College Varroa Mite Course, or a PIRSA Varroa Mite Course) within the 12 months preceding this application and prior to undertaking testing.
Testing	<p>Bee colonies must be tested using the alcohol wash method published on the SA Department of Primary Industries and Regions website at www.pir.sa.gov.au for this purpose,</p> <p>Testing of bee colonies must be completed within the period 28-6 days prior to entry.</p> <p>Testing of bee colonies must be completed according to the following testing rate:</p> <ul style="list-style-type: none"> • if the number of bee colonies proposed to enter South Australia on the Entry Application is 64 or less—the applicant must test all bee colonies • if the number of bee colonies proposed to enter South Australia on the Entry Application is between 65 and 640—the applicant must test a minimum of 65 bee colonies and testing must be conducted from each apiary that has supplied bee colonies into the movement as equally as possible • if the number of bee colonies proposed to enter South Australia on the Entry Application is 641 or more—the applicant must test a minimum of 10% (rounded up to whole number) of bee colonies from each apiary that has supplied bee colonies into the movement. <p>Testing of bee colonies must be undertaken through selecting bee colonies to be tested from the following priority list (in order of priority) that in the proceeding 18 weeks were:</p> <ul style="list-style-type: none"> • displaying unusual/suspect symptoms (as brood or adults) • appearing inexplicably weak • acquired (eg caught swarm/purchased bee colony) • requeened (particularly if with an interstate queen) • strong and had been used as a queen bank or had accumulated a lot of drift bees • have not previously tested • in all other cases by selecting a mixture of stronger and weaker bee colonies at random from throughout the apiary <p>Tested bee colonies must be uniquely identified at time of testing by applying permanent legible marking to the front brood box face for each bee colony tested, identifying test date and unique apiary and colony identifiers,</p> <p>Tested bee colonies must be recorded at time of testing in required records.</p>
Post-testing	<p>The applicant must retain pre-testing integrity and Varroa-free status during subsequent management, transport and entry into South Australia.</p> <p>The applicant must notify PIRSA of all pre-entry notifiable occurrences that occur in the period between the submission of the entry application and entry into South Australia.</p> <p>Tested bee colonies must be traceable in all documentation and on hive components to source apiary.</p>

SCHEDULE 3—HIVE COMPONENTS: PRE-ENTRY TREATMENT CONDITIONS

	Conditions (to be completed prior to Chief Inspector of Stock Permission being granted)
Species	Hive components kept by the applicant (including hive components for which permission is sought) must only be associated with bees of the species <i>Apis mellifera</i> (commonly known as the European honey bee).
Pre-treatment	<p>Hive components must be:</p> <ul style="list-style-type: none"> • free from live bees (including brood) and live pests likely to damage packaging (including wax moth, small hive beetles and rodents) • externally clean so as to be free from bees and apiary products • securely packaged so as to bee-proof and leak-proof

Treatment	<p>Hive components must be treated by one of the treatment options listed below:</p> <ul style="list-style-type: none"> • heating (such that the honey is heated to a minimum core temperature of 50°C and held at that temperature for a minimum of 40 minutes) • freezing (frozen to a minimum core temperature of minus 12°C for a minimum of two consecutive days (48 hours)) • gamma Irradiation (to a minimum of 15 kGy) • isolation (stored for a minimum of 21 consecutive days (504 hours) in area(s) free from and excluding bees, apiary products and used apiary appliances that have not had a treatment to ensure Varroa freedom. • testing (tested for Varroa mites and managed to minimise residual bee spread, as per Schedule 3a). <p>Treated hive components must be recorded at time of treatment in required records.</p>
Post-treatment	<p>The applicant must retain treatment integrity and Varroa-free status during subsequent management, transport and entry into South Australia.</p> <p>The applicant must notify PIRSA of all pre-entry notifiable occurrences that occur in the period between the submission of the entry application and entry into South Australia.</p> <p>Hive components must be traceable in all documentation and on hive components to source apiary.</p>

SCHEDULE 3A—HIVE COMPONENTS: PRE-ENTRY TREATMENT CONDITIONS (HONEY SUPERS FOR PROCESSING/EXTRACTION)

	Conditions (to be completed prior to Chief Inspector of Stock Permission being granted)
Species	Hive components kept by the applicant (including hive components for which permission is sought) must only be associated with bees of the species <i>Apis mellifera</i> (commonly known as the European honey bee).
Pre-treatment	<p>Each apiary from which hive components are removed must be:</p> <ul style="list-style-type: none"> • tested using the alcohol wash method published on the SA Department of Primary Industries and Regions website at www.pir.sa.gov.au with the following exceptions: <ul style="list-style-type: none"> ◦ each apiary must have been tested within the last 4 weeks, ◦ each apiary must have been tested at the rate of: <ul style="list-style-type: none"> – 1-20 bee colonies in an apiary = all bee colonies must be tested – 21 bee colonies or above in an apiary = 10% of bee colonies (rounded up) must be tested. <p>Hive components must be:</p> <ul style="list-style-type: none"> • bee-proof, • identifiable to apiary, • when on a bee colony: <ul style="list-style-type: none"> ◦ kept brood free by keeping above functioning queen excluders, not rotating brood frames/queen above the queen excluder, and inspecting/managing to ensure absence of brood bees prior to removal, ◦ cleared of bees prior to removal from hive by using clearer boards and/or blowers, and inspecting/managing to ensure absence of adult bees prior to removal, ◦ removed from bee colonies and loaded onto beekeeping plant under conditions that are: <ul style="list-style-type: none"> – not conducive to robbing, – conducive to rapid bee clearance from hive components. • when loading, transporting, unloading and storing: <ul style="list-style-type: none"> ◦ kept bee-proof and bee-free using appropriate loading/unloading and load binding techniques, and tightly fitting bases and clearer boards/covers, ◦ externally enclosed during transport within an enclosed load area (to prevent access/escape by bees) such as: <ul style="list-style-type: none"> – under bee-proof netting/tarpaulins, where overlaps and completely encloses the hive components on the load area so as to be bee-proof, including by ensuring netting/tarpaulins interface with adjoining netting/tarpaulins, load area and/or tray are secure and bee-proof (eg. by using sufficient overlap and tie-off between netting/tarpaulins, below coaming rail/under pallets, and behind head/tail boards), or – inside a pantec/curtain/van body, ◦ kept identifiable to apiary of removal. <p>Storage, processing/extraction, and packing facilities must be:</p> <ul style="list-style-type: none"> • bee-proof, • equipped with internally located bee catch box(s) in proximity to lights/windows that (i) will attract residual bees from supers, and (ii) enables alcohol wash testing of trapped bees; supplemented if necessary with bee trap colony(s) located in the immediate vicinity to further attract residual bees from supers and which can be alcohol wash testing of bees. <p>Pre-treated hive components must be recorded at time of treatment in required records.</p>

Post-treatment	<p>The applicant must retain treatment integrity and Varroa-free status during subsequent management, transport and entry into South Australia.</p> <p>The applicant must notify PIRSA of all pre-entry notifiable occurrences that occur in the period between the submission of the entry application and entry into South Australia.</p> <p>Hive components must be traceable in all documentation and on hive components to source apiary.</p>
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SCHEDULE 4—APIARY PRODUCTS: PRE-ENTRY TREATMENT CONDITIONS

	Conditions (to be completed prior to Chief Inspector of Stock Permission being granted)
Species	Apiary products kept by the applicant (including apiary products for which permission is sought) must only be associated with bees of the species <i>Apis mellifera</i> (commonly known as the European honey bee).
Pre-treatment	<p>Apiary products must be:</p> <ul style="list-style-type: none"> free from live bees (including brood) and live pests likely to damage packaging (including wax moth, small hive beetles and rodents) externally clean so as to be free from bees and apiary products securely packaged so as to bee-proof and leak-proof
Treatment	<p>Apiary products must be treated by one of the treatment options listed below:</p> <ul style="list-style-type: none"> heated (such that the honey is heated to a minimum core temperature of 50°C and held at that temperature for a minimum of 40 minutes). freezing (frozen to a minimum core temperature of minus 12°C for a minimum of two consecutive days (48 hours). gamma Irradiation (to a minimum of 15 kGy). re-filtering and re-packing (filtered through a pore size of no greater than 0.42mm into new/cleaned used containers where: <ul style="list-style-type: none"> all re-packed product has been filtered and is free from bees and beeswax filter and container integrity are intact if re-packed into used containers, the containers have been internally hot water pressure cleaned so as to be free from bees and apiary products (including wax), then flushed, drained and dried. All washings to remain bee-proof (such as by disposal to an enclosed waste-water treatment system and drying to be undertaken such that containers remain bee-proof. isolation (stored for a minimum of 21 consecutive days (504 hours) in area(s) free from and excluding bees, apiary products and used apiary appliances that have not had a treatment to ensure Varroa freedom. <p>Treated apiary products must be recorded at time of treatment in required records.</p>
Post-treatment	<p>The applicant must retain treatment integrity and Varroa-free status during subsequent management, transport and entry into South Australia.</p> <p>The applicant must notify PIRSA of all pre-entry notifiable occurrences that occur in the period between the submission of the entry application and entry into South Australia.</p> <p>Apiary products must be traceable in all documentation and on bulk containers to source apiary.</p>

SCHEDULE 5—APIARY APPLIANCES: PRE-ENTRY TREATMENT CONDITIONS

	Conditions (to be completed prior to Chief Inspector of Stock Permission being granted)
Species	Apiary appliances kept by the applicant (including apiary appliances for which permission is sought) must only be associated with bees of the species <i>Apis mellifera</i> (commonly known as the European honey bee).
Pre-treatment	<p>Apiary appliances must be:</p> <ul style="list-style-type: none"> free from live bees (including brood) and live pests likely to damage packaging (including wax moth, small hive beetles and rodents). externally clean so as to be free from bees and apiary products. securely packaged so as to bee-proof and leak-proof.
Treatment	<p>Apiary appliances must be treated by one of the treatment options listed below:</p> <ul style="list-style-type: none"> heating (heated to a minimum core temperature of 50°C and held at that temperature for a minimum of 40 minutes). freezing (frozen to a minimum core temperature of minus 12°C for a minimum of two consecutive days (48 hours). gamma Irradiation (to a minimum of 15 kGy). isolation (stored for a minimum of 21 consecutive days (504 hours) in area(s) free from and excluding bees, apiary products and used apiary appliances that have not had a treatment to ensure Varroa freedom. <p>Treated hive components must be recorded at time of treatment in required records.</p>

Post-treatment	<p>The applicant must retain treatment integrity and Varroa-free status during subsequent management, transport and entry into South Australia.</p> <p>The applicant must notify PIRSA of all pre-entry notifiable occurrences that occur in the period between the submission of the entry application and entry into South Australia.</p> <p>Apiary appliances Must be traceable in all documentation and on applicable apiary appliances to source apiary.</p>
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SCHEDULE 6—BEEKEEPING PLANT: PRE-ENTRY TREATMENT CONDITIONS

	Conditions (to be completed prior to Chief Inspector of Stock Permission being granted)
Species	Beekeeping plant kept by the applicant (including beekeeping plant for which permission is sought) must only be associated with honey bees of the species <i>Apis mellifera</i> (commonly known as the European honey bee).
New and in-packaging	New items that have not been in contact with bees or apiary products, are still in original intact packaging and for which there is a dated, itemised receipt do not require treatment.
Lockers, storage bins and storage areas or associated containers and crates	<p>Must be:</p> <ul style="list-style-type: none"> opened up and all loose items removed, then <ul style="list-style-type: none"> spaces/containers and all loose items are treated (as per treatment options below), spaces/containers are managed (as per post management), restocked with items that have been treated (as per treatment options below).
Pre-clean and Treatment	<p>Must be pre-cleaned:</p> <ul style="list-style-type: none"> free from live bees (including brood) and live pests likely to damage packaging (including wax moth, small hive beetles and rodents), externally clean so as to be free from bees and apiary products, <p>Must be treated:</p> <ul style="list-style-type: none"> within the period immediately prior to departure from a base/facility where treatment is undertaken: prior to loading with commodities permitted to enter SA (if entering SA with commodities), by one of the treatment options listed below: <ul style="list-style-type: none"> vehicle external surfaces (including tray/well, and all external and internal surfaces of externally located lockers/storage bins/storage areas) and apiary appliances can be pressure cleaned by: <ol style="list-style-type: none"> pre-cleaning, then pressure cleaning with hot water (minimum temperature of 65°C) and detergent or sanitiser (at label rates) until cleaned. all areas not able to be pressure cleaned (primarily vehicle interiors and internally located lockers/storage bins/storage areas) can be vacuumed and sprayed by: <ol style="list-style-type: none"> pre-cleaning, then vacuuming until cleaned, and spraying with insecticide (eg. domestic aerosol-type insecticide spray) to cover all surfaces. associated apiary appliances can be immersed by: <ol style="list-style-type: none"> opening up (to expose all surfaces) and pre-cleaning, then fully immersing in container(s) of hot water (minimum initial temperature of 65°C) and detergent or sanitiser (at label rates) for a minimum of 30 minutes until cleaned. associated apiary appliances can be immersed and sprayed by: <ol style="list-style-type: none"> pre-cleaned, then partly/fully immersing in container of water (eg. footbath) and detergent or sanitiser (at label rates) for a minimum of 30 seconds, and spraying with 70% ethanol (eg. methylated spirits), and then managed. associated apiary appliances can be scraped or burnt and sprayed/immersed by: <ol style="list-style-type: none"> scraping or burning until cleaned, then spraying with 70% ethanol (eg. methylated spirits) and/or completely immersing in container(s) of water (preferably hot) and detergent or sanitiser (at label rates) and soaked for a minimum of 30 minutes until cleaned. associated apiary appliances can be washed by: <ol style="list-style-type: none"> pre-cleaning, then washing in washing machine with hot water and detergent or sanitiser (at label rates) for a minimum cycle time of 30 minutes until cleaned. associated appliances can be heated or frozen by: <ol style="list-style-type: none"> pre-cleaning, then either heating to a minimum core temperature of 50°C for a minimum of 60 minutes or freezing to a minimum core temperature of minus 12°C for a minimum of two consecutive days (48 hours), and then managed. <p>Treated hive components must be recorded at time of treatment in required records.</p>

Post-treatment	<p>The applicant must retain treatment integrity and Varroa-free status during subsequent management, transport and entry into South Australia.</p> <p>The applicant must notify PIRSA of all pre-entry notifiable occurrences that occur in the period between the submission of the entry application and entry into South Australia.</p> <p>Beekeeping plant must be traceable in all documentation.</p>
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Copies of documents referred to in this notice may also be obtained from the Chief Inspector of Stock at 33 Flemington Street, Glenside SA 5065, or GPO Box 1671, Adelaide SA 5001 or by phone (08) 8207 7900.

Dated: 22 December 2023

ELISE KATHERINE SPARK
Deputy Chief Inspector of Stock
Delegate of the Minister for Primary Industries and Regional Development

SUMMARY OFFENCES ACT 1953
NOTICE OF MINISTERIAL DECLARATION

Declared Public Precincts

I, KYAM JOSEPH MAHER, Attorney-General in the State of South Australia, being the Minister responsible for the administration of Part 14B – Declared Public Precincts of the *Summary Offences Act 1953*, **DO HEREBY DECLARE** pursuant to the provisions of section 66N of the said Act that the area, comprised of more than one public place, within the following boundaries:

- Northern boundary of North Terrace to western boundary of Montefiore Road; and
- Western Boundary of Montefiore Road to the Southern Bank of the River Torrens.
- Southern bank of the River Torrens to eastern boundary of King William Road (adjacent to the King William Road Bridge);
- Eastern boundary of King William Road to the northern boundary of Victoria Drive.
- Northern Boundary of Victoria Drive to the Eastern Boundary of Kintore Avenue.
- The Eastern Boundary of Kintore Avenue to the Northern boundary of North Terrace.
- Northern boundary of North Terrace to the Eastern Boundary of Pulteney Street.
- Eastern Boundary of Pulteney Street to the Southern Boundary of Grenfell Street.
- Southern boundary of Grenfell Street and Currie Streets to the Western boundary of West Terrace; and
- Western boundary of West Terrace to northern boundary of North Terrace

will be a declared public precinct for a period of 8 hours from 10.00pm on Sunday 31 December 2023 to 6.00am Monday 1 January 2024.

This variation period combined with the current Declaration made 9 October 2023 combines a total of 20 hours in one 24 hour period. I am satisfied that special circumstances exist in this particular case to allow the extra hours.

References to boundaries identified by streets, roads or terraces for the purpose of this declaration will be taken to mean and include the area up to applicable building or fence lines, or the imagined projection thereof, on the relevant boundary.

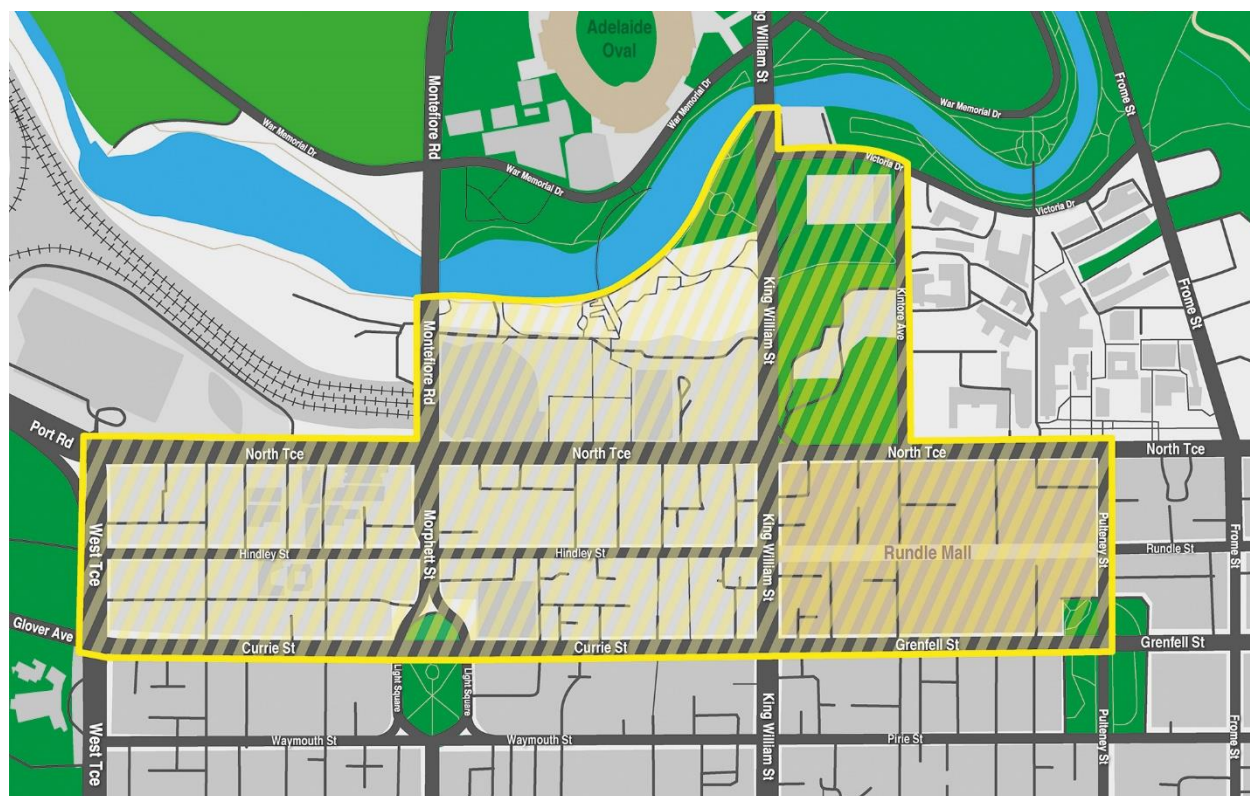
I am satisfied that there is, during the period specified in this declaration, a reasonable likelihood of conduct in the area posing a risk to public order and safety.

I am satisfied that the inclusion of each public place in the area is reasonable having regard to that identified risk.

Dated: 22 December 2023

KYAM JOSEPH MAHER
Attorney-General

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

Printed and published weekly by authority of M. DOWLING, Government Printer, South Australia
\$8.55 per issue (plus postage), \$430.00 per annual subscription—GST inclusive
Online publications: www.governmentgazette.sa.gov.au