

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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**ORDER AND RECOGNIZANCE**  
**Crimes Act 1914 s 19B, 20(1)(a)**

[*SUPREME/DISTRICT/MAGISTRATES*] Select one COURT OF SOUTH AUSTRALIA  
 CRIMINAL JURISDICTION

[*FULL NAME*]  
 Informant/R

v

[*FULL NAME*]  
 Defendant

Defendant	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**

This order has been issued because the Defendant was charged with the following federal offence[s] on the Information dated [date]

a. [*counts in numbered sub-paragraphs*]; provision for multiple

**Order**

Next section displayed if order made under section 19B

The Court discharges the Defendant under section 19B(1) of the *Crimes Act 1914* (Cth) without proceeding to conviction upon the Defendant giving security [*with surety/sureties of \$[amount]*] by recognizance of \$[amount] to obey the following conditions:

Next section displayed if order made under section 20(1)(a)

The Court orders the release of the Defendant under section 20(1)(a) of the *Crimes Act 1914* (Cth) without passing sentence on the Defendant upon the Defendant giving security [*with surety/sureties of \$[amount]*] by recognizance of \$[amount] to obey the following conditions:

Order made on [date]

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

## Recognizance Order

### Rules (Conditions)

#### General

1. The Defendant must be of good behaviour for [no of years] [no of months] [no of days]. cannot exceed 5 years
2. The Defendant must [*make reparation/make restitution/pay compensation*] of \$[amount] to [payee] [[*by date*]]/[*by instalments of [details of instalments]*]].
3. The Defendant must pay costs of the prosecution for the offence[s] specified below of \$[amount] to [payee] [[*by date*]]/[*by instalments of [details of instalments]*]].
4. The Defendant must pay to the Commonwealth a pecuniary penalty of \$[amount] to [payee] [[*by date*]]/[*by instalments of [details of instalments]*]].
5. The Defendant must comply with the conditions set out below for [no of years] [no of months] [no of days] cannot exceed 2 years.

#### Supervision

6. **Mandatory if Commonwealth child sex offence included** The Defendant must be supervised by a Department for Correctional Services Community Corrections Officer ('the Probation Officer') and the Defendant must obey their lawful directions.
7. **Mandatory if Commonwealth child sex offence included** The Defendant must be supervised by a Department for Correctional Services Community Corrections Officer ('the Probation Officer') [for a period of [no of years] [no of months] [no of days]] and the Defendant must obey their lawful directions.
8. The Defendant must report [*within 2 working days of this Order/immediately on release*] to the offices of the Community Corrections Centre at [location] unless, within that period, the Defendant receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
9. The Defendant must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
10. The Defendant must report [*within 2 working days of this Order/immediately on release*] to the Probation Officer in person at [location] or by telephone on [1800 621 425] unless, within that period, the Defendant receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
11. The Defendant must report to the police at [police station location] police station between [time] and [time] every [*reporting day(s)*] starting on [date].
12. The Probation Officer, or a delegate of that Officer, is authorised to reveal that the Defendant is subject to the Order to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Order.

#### Travel

13. **Mandatory** The Defendant must not leave South Australia for any reason without the written permission of the Chief Executive of the Department for Correctional Services; or the Defendant's Probation Officer.
14. The Defendant can leave South Australia to travel to [location] between [date] and [date], both dates inclusive. The Defendant must report to [location] by no later than [time] on [date].
15. The Defendant must give up any passport they have to the Registrar of the [Court] at [location] and must not apply for a new passport.
16. The Defendant must not enter any point of international departure such as an airport or seaport.

### Firearms

17. The Defendant must not possess a firearm (gun of any sort), ammunition or any part of a firearm.
18. The Defendant must submit to such tests (including testing without notice) for gunshot residue as may be required by the Probation Officer or a member of the South Australian Police.
19. The Defendant must hand in any firearm, ammunition or any part of a firearm owned or possessed by the Defendant as soon as possible at the [location] Police Station.

### Residence (place of living)

20. The Defendant must live at [address].
21. The Defendant must live where the Probation Officer directs.
22. The Defendant must stay at the required address between the hours of [time] and [time] and the Defendant must be at an entrance to that address if asked to by the Probation 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 themselves or another or for any other reason approved by the Probation Officer;
  - b. in line with the terms and conditions of this Order.
23. default selected if general residential condition selected If an emergency requires the Defendant to move to another address:
- a. The Defendant must not move until they have obtained the permission of the Probation Officer; and
  - b. The Defendant must apply to the Court for a variation of the conditions of this Order within 2 working days; and
  - c. the conditions of this Order will continue to apply as though the new address were specified in this Order.
24. The Defendant must not live at [address(es)].
25. The Defendant must not live with [name(s)].

### Monitoring

26. When the Defendant is released from Court, the Defendant:
- a. default selected must go straight to [address], so the Defendant can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when the Defendant gets there, the Defendant must contact the Home Detention Unit of the Department for Correctional Services by telephone on 1300 796 199.
  - b. default selected must wear the electronic transmitter and obey the Department for Correctional Services rules of electronic monitoring, including charging the transmitter daily, for the term of this Order.
  - c. must always be contactable by mobile telephone *[that does not provide access to the internet]*. The Defendant must give their contact details to the Probation Officer so they can use it to get in touch with the Defendant at all times while electronically monitored.
  - d. must not do any water related sport or activity at any time unless this has been approved beforehand by the Probation Officer.
  - e. must answer straight away to any calls or text messages from the Department for Correctional Services on the mobile phone number the Defendant has given.

27. When the Defendant is released from Court, the Defendant:
- a. must go straight to the offices of the Department for Correctional Services at *[location]* and report to a *[Community Corrections/Home Detention]* Officer so the Defendant can have an electronic transmitter fitted and then go straight to *[address]*.
  - b. must wear the electronic transmitter and obey the Department for Correctional Services rules of electronic monitoring, including charging the transmitter daily, for the term of the Order.
  - c. must always be contactable by mobile telephone-*[that does not provide access to the internet]*. The Defendant must give their contact details to the Probation Officer working with the Defendant so they can use it to get in touch with the Defendant at all times while electronically monitored.
  - d. must not do any water related sport or activity at any time unless this has been approved beforehand by the Probation Officer.
  - e. must answer straight away to any calls or text messages from the Department for Correctional Services on the mobile phone number the Defendant has given.

### Programs

28. The Defendant must go to an assessment at Owenia House as directed by the Probation Officer. The Defendant must do what is asked of them, including taking part in treatment that is advised after the assessment.
29. The Defendant must:
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and must turn up to the appointment; and
  - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
30. The Defendant must go to an assessment and, if assessed as suitable, go to and complete any:
- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
  - b. educational, vocational or recreational programs;
  - c. intervention program;
  - d. programs and projects,
- that the Probation Officer reasonably directs.
31. Mandatory if Commonwealth child sex offence included The Defendant must undertake such treatment or rehabilitation programs that the Probation Officer reasonably directs.
32. The Defendant must contribute *[amount in dollars or percentage of cost]* towards the cost of *[any course or treatment/specify courses or treatments]* required to be undertaken by the Defendant under the condition[s] above.

### Communication

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

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

### Employment

43. The Defendant must tell the Probation Officer of any change of employment within 2 working days of the change.

### Drugs and Alcohol

44. The Defendant 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 the Defendant must have any tests that are needed to check if the Defendant is obeying these orders as directed by the Probation Officer. The Defendant must sign all needed forms and obey all of the testing procedures.

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

### Driver's Licence

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

### Other conditions

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

**Sureties**

- 49. The Defendant must give the Court a written surety from [*name, address, date of birth*], in terms acceptable to the Court, in the sum of \$[*amount*] that they know the Defendant and they are confident that the Defendant will obey the conditions of this Order.
- 50. The Defendant must give the Court a written surety from a person acceptable to the Court, in terms acceptable to the Court, in the sum of \$[*amount*] that they know the Defendant and they are confident that they will obey the conditions of this Order.

**Recognizance**

I, [*name of Defendant*], the Defendant:

- 1. have had explained to me:
  - a. the purpose and effect of this order; and
  - b. the consequences that may follow if I fail, without reasonable excuse, to obey the conditions of this order; and
  - c. that this order may be discharged or varied under section 20AA of the *Crimes Act 1914* (Cth); and
- 2. agree that I am bound in line with this order; and
- 3. agree that I have been given a copy of this order.

.....  
Signature of Defendant

.....  
Name printed

.....  
Date

**Witness**

.....  
Signature of authorised witness

witness must be the Judicial Officer making order, the registrar or deputy registrar of a Court, a justice of the peace, a police officer of or above the rank of sergeant or the responsible officer for a police station, the manager of a training centre if the Respondent is in a training centre, the person in charge of a prison if the Respondent is in a prison, or a delegate of any of these persons or any other person or class of persons specified by the Court

next item not displayed if witness is sentencing Judicial Officer

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

.....  
Date

**Undertaking by Surety**

I undertake (promise) to pay to the Commonwealth of Australia the amount specified in this order if the Defendant fails to obey with a condition of this order. I agree that I have been given a copy of this order.

Surety:

Name: *[name]*

Address: *[address]*

.....  
Signature of Surety

.....  
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

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

.....  
Date

Provision for multiple sureties