

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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RELEASE ORDER AND RECOGNIZANCE VARIED
Crimes Act 1914 (Cth) s 20(1)(b), s 20AA

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

[FULL NAME]
Applicant

v

[FULL NAME]
Respondent

Subject of Release Order and Recognizance			
Subject	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Email address			
Date of Birth/Licence no	Date of Birth		Driver's Licence no (if any)
Phone Details	Type (eg. Home; work; mobile) – Number		Another number

Introduction

The Subject was found guilty of count[s] [*number(s)*] on the Information dated [*date*] in case number [*number*] and sentenced to a term of imprisonment of [*no of years*] [*no of months*] [*no of days*].

The Court ordered in case number [*number*] that the Subject be released under section 20(1)(b) of the *Crimes Act 1914* (Cth) if the Subject gave security with [*a surety/sureties of \$[amount]*] by recognizance of \$[*amount*] to obey the conditions of the Recognizance Release Order and the Subject did so on [*date*].

On [*date*] the Court varied the conditions of the order so that from that date they are now as set out below.

Recognizance Release Order under paragraph 20(1)(b)

- The Court varies the Recognizance Release Order made on [date] so that from [date] it is now as set out below.
- The Court varies the Recognizance Release Order made on [date]. The duration of the recognizance is varied to [period] from the date when it was originally entered into. The conditions of the varied Recognizance Release Order are set out below.

Order made on [date]

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

Next box only displayed if conditions varied

Recognizance Release Order Conditions**Rules (Conditions)****General**

1. The Subject must be of good behaviour for [no of years] [no of months] [no of days]. cannot exceed 5 years
2. The Subject must [make reparation/make restitution/pay compensation] of \$[amount] to [payee] [[by date]/[by instalments of [details of instalments]]].
3. The Subject 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 Subject must pay to the Commonwealth a pecuniary penalty of \$[amount] to [payee] [[by date]/[by instalments of [details of instalments]]].
5. The Subject 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 Subject must be supervised by a Department for Correctional Services Community Corrections Officer ('the Probation Officer') and the Subject must obey their lawful directions.
7. **Mandatory if Commonwealth child sex offence included** The Subject 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 Subject must obey their lawful directions.
8. The Subject 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 Subject receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
9. The Subject must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
10. The Subject 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 Subject receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
11. The Subject 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 Subject 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 Subject must not leave South Australia for any reason without the written permission of the Chief Executive of the Department for Correctional Services; or the Subject's Probation Officer.
- 14. The Subject can leave South Australia to travel to *[location]* between *[date]* and *[date]*, both dates inclusive. The Subject must report to *[location]* by no later than *[time]* on *[date]*.
- 15. The Subject must give up any passport they have to the Registrar of the *[Court]* at *[location]* and must not apply for a new passport.
- 16. The Subject must not enter any point of international departure such as an airport or seaport.

Firearms

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

Residence (place of living)

- 20. The Subject must live at *[address]*.
- 21. The Subject must live where the Probation Officer directs.
- 22. The Subject must stay at the required address between the hours of *[time]* and *[time]* and the Subject must be at an entrance to that address if asked to by the 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 Subject to move to another address:
 - a. The Subject must not move until they have obtained the permission of the Probation Officer; and
 - b. The Subject 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 Subject must not live at *[address(es)]*.
- 25. The Subject must not live with *[name(s)]*.

Monitoring

- 26. When the Subject is released from Court, the Subject:
 - a. default selected must go straight to *[address]*, so the Subject can have an electronic transmitter fitted following text displayed if address is home address rather than Department address and when the Subject gets there, the Subject must contact the Home Detention Unit of the Department 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 Subject must give their contact details to the Probation Officer so they can use it to get in touch with the Subject 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 Subject has given.

27. When the Subject is released from Court, the Subject:

- 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 Subject 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 Subject must give their contact details to the Probation Officer working with the Subject so they can use it to get in touch with the Subject 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 Subject has given.

Programs

28. The Subject must go to an assessment at Owenia House as directed by the Probation Officer. The Subject must do what is asked of them, including taking part in treatment that is advised after the assessment.

29. The Subject 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 Subject must go to an assessment and, if assessed as suitable, go to and complete any:

- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
- b. educational, vocational or recreational programs;
- c. intervention program;
- d. programs and projects,

that the Probation Officer reasonably directs.

31. Mandatory if Commonwealth child sex offence included The Subject must undertake such treatment or rehabilitation programs that the Probation Officer reasonably directs.

32. The Subject 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 Subject under the condition[s] above.

Communication

33. The Subject must not possess (have) any telephone, mobile phone, computer or other telecommunication device except *[specify device(s)]* and the Subject must only use permitted device(s) for communication reasons.

34. The Subject must not:

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

Employment

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

Drugs and Alcohol

44. The Subject must not use:
- a. alcohol
 - b. any drug that is not prescribed by a doctor registered in South Australia or legally available in another way, and then only at the prescribed or recommended dosage
 - c. *[other]*

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

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

Driver's Licence

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

Other conditions

47. The Subject 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 Subject 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 Subject and they are confident that the Subject will obey the conditions of this Order.
- 50. The Subject 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 Subject and they are confident that they will obey the conditions of this Order.

Recognizance

I, [name of Subject], the Subject:

- 1. have had explained to me:
 - a. the reason 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 Subject

.....
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

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Printed name and title of witness stamp here if applicable

.....
Date

next box only displayed if surety

Undertaking by Surety/Sureties

I undertake (promise) to pay to the Commonwealth of Australia the amount specified in this order if the Subject fails to obey 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

next item not displayed if witness is sentencing Judicial Officer

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

.....
Date