

To be inserted by Court

Case Number:

Date Filed:

FDN:

**ORDER VARYING INTENSIVE CORRECTION ORDER AND
ACKNOWLEDGEMENT**
Sentencing Act 2017 s 81 and 83

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

[FULL NAME]
Applicant

v

[FULL NAME]
Respondent

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

Introduction

The [Defendant/Youth] was on [date] in case number [number] sentenced to a term or terms of [imprisonment/detention] totalling [no of years] [no of months] [no of days].

The Court ordered that this sentence of [imprisonment/detention] be served on Intensive Correction conditions.

- The Court has made an order extending the term of the Intensive Correction Order, which is now for a term or terms totalling [no of years] [no of months] [no of days] which commenced on [date]. The conditions of the extended Intensive Correction Order are set out below.
- The Court has made an order varying the conditions of the Intensive Correction Order. The terms as varied are set out below.

Intensive Correction Order Conditions

General

1. Mandatorily imposed by section 82 of the *Sentencing Act 2017* (SA). The Respondent must be of good behaviour and obey the conditions of this Order.

Supervision

- 2. Mandatorily imposed by section 82 of the *Sentencing Act 2017* . Adult Only The Respondent must be under the supervision of a Community Corrections Officer of the Department for Correctional Service ('the Supervising Officer') for the term of this Order.
- 3. Mandatorily imposed by section 82 of the *Sentencing Act 2017*. Adult Only The Respondent must obey the lawful directions of their Supervising Officer.
- 4. Mandatorily imposed by section 82 of the *Sentencing Act 2017* . Youth Only The Respondent must be under the supervision of a Department of Human Services (Youth Justice) Officer ('the Supervising Officer').
- 5. Mandatorily imposed by section 82 of the *Sentencing Act 2017* . Youth Only The Respondent must obey the lawful directions of their Supervising Officer.
- 6. Adult Only The Respondent must report [*within 2 working days of this Order/immediately*] to the offices of the Community Corrections Centre at [*location*] unless, within that period, the Respondent receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 7. Adult Only The Respondent must report immediately to the offices of the Courts Unit of the Department for Correctional Services.
- 8. Youth Only The Respondent must report immediately to the Officer from the Department of Human Services (Youth Justice) present in Court.
- 9. Adult Only The Respondent must report [*within 2 working days of this Order/immediately*] to the Supervising Officer in person at [*location*] or by telephone on [*insert correct phone number*] unless, within that period, the Respondent receives a notice from the Chief Executive of the Department for Correctional Services to the contrary.
- 10. Youth Only The Respondent must report [*within 2 working days of this Order/immediately*] to the Supervising Officer by telephone on 1800 621 425 unless, within that period, the Respondent receives a notice from the Chief Executive of the Department of Human Services to the contrary.
- 11. Adult Only The Respondent must report to the police at [*police station location*] police station between [*time*] and [*time*] every [*reporting day(s)*] starting on [*date*].
- 12. Youth Only The Respondent must go to school on every normal school day unless there is a legal reason for the Respondent not to be there (eg being sick).
- 13. The Respondent's Supervising Officer, or a delegate of that Officer, is authorised to reveal that the Respondent is subject to this Order to any person if it is reasonably necessary to confirm employment (work) or compliance with any condition of this Order.

Travel

14. [BLANK]
15. Mandatorily imposed by section 82 of the *Sentencing Act 2017* The Respondent 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*].
16. The Respondent can leave South Australia to travel to [*location*] between [*date*] and [*date*], both dates inclusive. The Respondent must report to [*location*] by no later than [*time*] on [*date*]. Provision for multiple
17. The Respondent must give up any passport they have to the Registrar of the [*Court*] at [*location*] and must not apply for a new passport.
18. The Respondent must not enter any point of international departure such as an airport or seaport.

Firearms

19. **Mandatorily imposed by section 82 of the *Sentencing Act 2017 (SA)*** The Respondent is prohibited from possessing a firearm (gun of any sort), ammunition or any part of a firearm.
20. **Mandatorily imposed by section 82 of the *Sentencing Act 2017 (SA)***. The Respondent must submit to such tests (including testing without notice) for gunshot residue or relating to drug use as may be reasonably required by the Supervising Officer or a member of the South Australian Police.
21. The Respondent must hand in any firearm, ammunition or any part of a firearm owned or possessed by the Respondent as soon as possible at the [*location*] Police Station.

Home Detention

22. **Adult Only.** The Respondent must live at [*address*] and stay there while on [*Home Detention*]. The Respondent 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 the Respondent or some other person);
 - c. going to remunerated (paid) employment at such times and places as approved from time to time by the Supervising Officer;
 - d. going to a place to undergo assessment or treatment (or both) relating to the Respondent's mental or physical condition as approved or directed by the Supervising Officer;
 - e. going to an intervention program as approved or directed by the Supervising Officer;
 - f. going to any other course of education, training or instruction, or other activity as approved or directed by the Supervising Officer;
 - g. any other reason approved or directed by the Supervising Officer.
23. **Youth only** The Respondent must live at [*address*] and stay there while on [*Home Detention*]. The Respondent 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 the Supervising Officer.
24. The Respondent must not leave the court building or current institution until they have been fitted with an electronic transmitter.
25. When the Respondent is released from court, the Respondent must go straight to [*address*], so they can have an electronic transmitter fitted and when the Respondent gets there, they must contact the Home Detention Unit of the Department [*for Correctional Services/of Human Services*] by telephone on [*1300 796 199/1800 814 914*].
26. When the Respondent is released from court, the Respondent must go straight to the offices of the [*Department for Correctional Services/Department of Human Services*] at [*location*] and the Respondent must report to the Supervising Officer so they can have an electronic transmitter fitted and then go straight to [*address*].
27. When the Respondent is released from Court:
- a. The Respondent must wear the electronic transmitter and obey the Department [*for Correctional Services/of Human Services*] rules of electronic monitoring, including charging the transmitter daily, for the term of this Order.
 - b. The Respondent must always be contactable by mobile telephone following words default selected if class 1 or class 2 offence or serious and organised crime suspect selected [*that does not provide access to the internet*]. The Respondent must give their contact details to the Supervising Officer so they can use it to get in touch with them at all times while the Respondent is electronically monitored.

- c. The Respondent must not do any water related sport or activity at any time unless this has been approved beforehand by the Supervising Officer.
 - d. The Respondent must come to an entrance to the required address at the request of the Supervising Officer [or a Police Officer]. The Respondent must understand that they can only be away from the house for reasons that are allowed in this Order.
 - e. The Respondent must answer any calls or text messages from the Supervising Officer straight away on the mobile phone number the Respondent has given.
28. The [Department for Correctional Services/Department of Human Services] may tell other people that the Respondent is under a home detention condition of this Order if that is needed to check the Respondent's employment (work) or that the Respondent is obeying their Order conditions.
29. If an emergency requires the Respondent to move to another address:
- a. The Respondent must not move until the Respondent has obtained the permission of the Supervising Officer; and
 - b. The Respondent must apply to the Court for a variation of the conditions of this Order within 2 working days; and
 - c. the conditions of this Order will continue to apply as though the new address were specified in this Order.

Residence

30. The Respondent must live at [address].
31. The Respondent must live where the Supervising Officer directs.
32. Youth only The Respondent must live where the [Supervising Officer/the Department for Child Protection] directs, at first with [name].
33. 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 for any other reason approved by the Supervising Officer;
 - b. in line with the terms and conditions of this Order.
34. Youth only 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 for any other reason approved by the Supervising Officer;
 - b. in line with the terms and conditions of this Order;
 - c. in the company of [name/an adult approved by the Supervising Officer].
35. Adult only - default selected if general residential condition selected If an emergency requires the Respondent to move to another address:
- a. the Respondent must not move until they have obtained the permission of the Supervising Officer; and
 - b. the Respondent must apply to the Court for a variation of the conditions of this Order within 2 working days; and
 - c. the conditions of this Order will continue to apply as though the new address were specified in this Order.
36. The Respondent must not live at [address(es)].
37. The Respondent must not live with [name(s)].

Monitoring

38. When the Respondent is released from Court, the Respondent:
- a. default selected must go straight to [address], so the Respondent can have an electronic transmitter fitted following words displayed if address is home address rather than Department address and when the Respondent gets there, the Respondent 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 Order.
 - d. must always be contactable by mobile telephone [that does not provide access to the internet]. The Respondent must give their contact details to the Supervising Officer so they can use it to get in touch with the Respondent 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 the Supervising Officer.
 - f. must answer straight away to any calls or text messages from the [Department for Correctional Services/Department of Human Services] on the mobile phone number the Respondent has given.

Community Service

39. Mandatorily imposed if Respondent unemployed by section 82 of the Sentencing Act 2017 (SA). The Respondent must do [number] hours of community service within [no] of months from the date of this Order until the hours of community service are complete.

Programs

40. The Respondent must go to an assessment at [Owenia House /the Child and Adolescent Mental Health Services Adolescent Sexual Assault Prevention Program] as directed by the Supervising Officer. The Respondent must do what is asked of them, including taking part in treatment that is advised after the assessment.
41. Adult Only The Respondent must:
- a. contact the CAA Intervention Program Manager by telephone on 08 8204 8815 within 2 working days to book an assessment interview with the CAA Senior Clinical Assessment and Liaison Officer (Abuse Prevention Program) and must turn up to the appointment; and
 - b. if assessed as suitable, go to and complete an Abuse Prevention Program that the CAA Intervention Program Manager says is suitable.
42. The Respondent must go to an assessment and, if assessed as suitable, go to and complete any:
- a. psychiatric, psychological or medical assessment, treatment, counselling, or therapy programs, including for drug abuse;
 - b. educational, vocational or recreational programs;
 - c. intervention program;
 - d. programs and projects,
- that the Supervising Officer reasonably directs.
43. Adult Only The Respondent must pay [amount in dollars or percentage of cost] towards the cost of [any course or treatment/specify courses or treatments] required to be undertaken by the Respondent under the condition[s] above.

Communication

44. mandatory if serious and organised crime suspect The Respondent must not possess (have) any telephone, mobile phone, computer or other telecommunication device except [*specify device(s)*] and the Respondent must only use permitted device(s) for communication reasons.
45. The Respondent must not:
- a. possess (have) or use any device that lets the Respondent communicate with any other person on the internet or freely browse or search on the internet except [*specify device(s)*] and unless the Respondent has permission beforehand from the Supervising Officer.
 - b. use the internet, or attempt to use the internet, directly or indirectly, except for the purpose of banking, employment, education, or essential Australian government services, including public transport; or
 - c. use any social media, networking or chat based applications on the internet or any electronic devices.

Association

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

Employment

54. Mandatorily imposed by section 82 of the Sentencing Act 2017 (SA). The Respondent must report to the Supervising Officer of any change of address or employment within 2 working days after the date of the change.

Drug and Alcohol

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

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

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

Driver's Licence

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

Other conditions

- 58. The Respondent must not be released from custody until appropriate transport is arranged to facilitate their immediate transportation to [*nominated place/address*].
- 59. Mandatorily imposed by section 82 of the *Sentencing Act 2017* . The Respondent must comply with the regulations made for the purposes of section 82 of the *Sentencing Act 2017* and the lawful directions of the Chief Executive.
- 60. [*other conditions*] provision for multiple additional conditions

What will happen if you obey the conditions of this order

If, at the end of the period of [*imprisonment/ detention*] specified above, (or non-parole period as the case may be), you have complied with all of the above conditions, the sentence[s] of [*imprisonment/ detention*] ordered by the Court will not have to be served in a [*prison/training centre*] and your sentence will have been served or you will be released on parole.

What can happen if you fail to obey the conditions of this order

If you fail to obey any part of the order set out above, this order may be revoked and the sentence of [*detention/imprisonment*] which you were to serve on intensive correction can be carried into effect to be served in a [*prison/training centre*]. In the case of a breach of a community service condition, you may be ordered to serve further time in a [*prison/training centre*] on the basis of 1 day for every 7.5 hours of community service (or part thereof) not done.

Acknowledgement by [*Defendant/Youth*]

I acknowledge that I have received a copy of the varied Intensive Correction Order. I understand its conditions and I understand what will happen if I fail to obey with these conditions.

.....
Signature of [*Defendant/Youth*]

.....
Name printed

.....
Date

Witness

.....
Signature of authorised witness

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

next item not displayed if witness is sentencing Judicial Officer

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

.....
Date