

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.

1. The [Applicant/Respondent] [name] be granted bail subject to the conditions listed below and entering into a Bail Agreement containing those conditions.
2. 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.
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 [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
 - 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 as defined in the *Child Sex Offenders Registration Act 2006* 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 as defined in the *Child Sex Offenders Registration Act 2006*.
- ☐ a condition that the [Applicant/Respondent] agrees not to apply for child related work as defined in the *Child Sex Offenders Registration Act 2006*.

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 as defined in the *Child Sex Offenders Registration Act 2006*.
- ☐ varied condition that the [Applicant/Respondent] must not apply for child related work as defined in the *Child Sex Offenders Registration Act 2006*.

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(1) 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 as defined in the *Child Sex Offenders Registration Act 2006* will not pose a risk to the safety and wellbeing of children because:
 - a. [reasons in numbered subparagraphs].

Authentication

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Signature of Court Officer

[title and name]