

To be inserted by Court

Case Number:

Date Signed:

FDN:

ORDER – EXTRADITION INTERNATIONAL – SURRENDER BY CONSENT AND BAIL

A DESIGNATED MAGISTRATE OF THE MAGISTRATES 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

- (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 Magistrate
 [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.