

NORTHERN TERRITORY OF AUSTRALIA
SUPREME COURT AMENDMENT (MEDIATION AND SENTENCING)
RULES 2012

Subordinate Legislation No. 14 of 2012

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 14 of 2012*

Supreme Court Amendment (Mediation and Sentencing) Rules 2012

We, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, under section 86 of the *Supreme Court Act*, make the following Rules of Court.

Dated 10 February 2012

T. J. RILEY CJ

D. MILDREN J

S. R. SOUTHWOOD J

J. BLOKLAND J

J. KELLY J

P. BARR J

Judges of the Supreme Court
of the Northern Territory of Australia

* Notified in the *Northern Territory Government Gazette* on 11 April 2012.

1 Citation

These Rules may be cited as the *Supreme Court Amendment (Mediation and Sentencing) Rules 2012*.

2 Rules amended

These Rules amend the *Supreme Court Rules*.

3 Rule 48.13 amended

Rule 48.13(2)

omit, insert

- (2) The mediator may be a Judge or the Master or a person from the list kept under subrule (9), and may be appointed by:
- (a) if the parties agree on a person from the list kept under subrule (9) – the parties; or
 - (b) a Judge or the Master.

4 Order 81A, Part 8A inserted

After rule 81A.38

insert

Part 8A Sentencing**81A.38A Submissions on sentencing or sentencing by videoconference by the Judge's own motion**

- (1) After a person has entered a guilty plea or has been found guilty following a trial, the Judge, on his or her own motion, may do either or both of the following by means of a videoconference:
- (a) hear submissions on sentencing;
 - (b) sentence the person.
- (2) If a videoconference is held under subrule (1):
- (a) the Court must provide and meet the expenses of the facilities necessary to enable the videoconference; and
 - (b) the Court must notify the parties or their solicitors of the place where they may attend by use of those facilities.

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- (3) A party seeking to tender an item as an exhibit during a hearing held under subrule (1) must arrange for the item to be provided to the Court in time for the hearing.

Note for subrule (3)

For example, a party may fax or email a document to the Court prior to the hearing date.

81A.38B Submissions on sentencing or sentencing by videoconference by application

- (1) With the permission of the Judge, a party may do either or both of the following by means of a videoconference:
- (a) attend a hearing to make submissions on sentencing;
 - (b) attend the sentencing.
- (2) A party who has been granted permission under subrule (1) must provide and meet the expenses of the facilities necessary to enable them to attend by videoconference, unless the Judge directs otherwise.
- (3) A party who attends the hearing by videoconference and seeks to tender an item as an exhibit must arrange for the item to be provided to the Court in time for the hearing.

Note for subrule (3)

For example, a party may fax or email a document to the Court prior to the hearing date.

5 Rules further amended

The Schedule has effect.

Schedule Rules further amended

rule 5

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
rule 81A.14(2) and (4)	video-conferencing	videoconferencing
rules 81A.16(1)(c) and 81A.18(1)(c)	video-conference	videoconference
rule 81A.26, heading	video-conferencing	videoconferencing
rule 81A.26(1) to (3) and (8) to (10)	video-conferencing <i>(all references)</i>	videoconferencing
rule 81A.26(4)(b)	video-conference	videoconference
rule 81A.27A	video-tape	video tape
Schedule 2, item 28	video-conferencing	videoconferencing
Schedule 2, items 31 and 32	video-tape	video tape
