

NORTHERN TERRITORY OF AUSTRALIA
AMENDMENTS OF SUPREME COURT RULES

Regulations 2002, No. 13

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 2002, No. 13*

Rules of Court under the *Supreme Court Act*

WE, the undersigned Judges of the Supreme Court of the Northern Territory of Australia, in pursuance of section 86 of the *Supreme Court Act*, make the following Rules of Court.

Dated 7 January 2002.

B. F. MARTIN CJ

D. N. ANGEL J

D. MILDREN J

S. R. BAILEY J

T. J. RILEY J

Judges of the Supreme Court
of the Northern Territory of Australia

* Notified in the *Northern Territory Government Gazette* on 8 May 2002.

Supreme Court Rules

AMENDMENTS OF SUPREME COURT RULES

1. Principal Rules

The Supreme Court Rules are in these Rules referred to as the Principal Rules.

2. Repeal

Rules 81A.12, 81A.13 and 86.21A of the Principal Rules are repealed.

3. New Chapter

The Principal Rules are amended by inserting after Chapter 7 the following:

"CHAPTER 8 – APPLICATIONS FOR BAIL

"93.01 Definitions

"In this Chapter, 'Director' means –

- (a) the Director of Public Prosecutions for the Northern Territory within the meaning of the *Director of Public Prosecutions Act*; or
- (b) the Director of Public Prosecutions for the Commonwealth within the meaning of the *Director of Public Prosecutions Act 1983* of the Commonwealth.

"93.02 Applications for bail or review of bail

"(1) An application to the Court, the Court of Appeal or the Court of Criminal Appeal for bail or for a review of bail is to be in accordance with Form 93A and supported by affidavit.

"(2) Subrule (1) does not apply in relation to an application to the Court for bail under Part IV of the *Bail Act* if –

- (a) the Director does not oppose bail;
- (b) the Director consents to the application being made orally; or
- (c) the Court orders that the application may be made orally.

"(3) Despite subrule (1), an application for review of bail under section 35 of the *Bail Act* relating to an amendment of the conditions of bail may be made orally, by telephone or by facsimile to the Judge's chambers, if the Director does not oppose the amendment and consents to the application being in that manner.

Supreme Court Rules

"(4) The Director may give his or her consent under subrule (3) to the Judge, or the Judge's associate, orally or by telephone, facsimile or computer transmission.

"(5) If an application has been made orally or by telephone or facsimile, the Judge may determine the application in the same manner.

"93.03 Application of provisions of Chapter 1A

"Parts 1 and 2 of Order 81A apply in relation to an application for bail, or for review of bail, as if –

(a) a reference in that Order to 'the Court' included a reference to the Court of Appeal, the Court of Criminal Appeal and a judge exercising the powers of either of those courts; and

(b) a reference to 'this Chapter' were a reference to Chapter 8."

4. Repeal of forms

Forms 81A-C and 81A-D of the Principal Rules are repealed.

5. New form

The Principal Rules are amended by inserting after Form 92C the following:

"FORM 93A

Rule 93.02

IN THE SUPREME COURT */
IN THE COURT OF APPEAL */
IN THE COURT OF CRIMINAL APPEAL */
OF THE NORTHERN TERRITORY
OF AUSTRALIA
AT [Darwin or Alice Springs]
No.

BETWEEN

THE QUEEN

and

A.B.

APPLICATION FOR BAIL / REQUEST FOR REVIEW OF BAIL DECISION*

Supreme Court Rules

[Name in full of applicant/ person requesting review*]

of [address] is charged with/has been convicted of* [description of offence]

I, [name of applicant /person making request*] of [address]

request [name of court] at [place]

to –

(a) grant bail

Application for bail made at [place] on the day of ...20..;

or

(b) review under [cite provision of Bail Act under which review is sought] a

decision of [name of magistrate/Judge/court] made at [court, place] on

[date of decision] .

Application/ request for review made on the day of 20.... *

Signature of applicant / person making request

NOTICE OF HEARING

* The accused person

TO:

* Crown Prosecutor

NOTE: That the above matter has been listed for hearing at [name of court]

on the day of 20.... atam/pm*

when all parties to the matter must attend.

Date:

COURT OFFICER

* Delete where inapplicable

