

PRACTICE DIRECTION

No 1 of 2014

APPLICATION FOR TREATMENT ORDER OR ORDER IN CONNECTION WITH TREATMENT ORDER

LOCAL COURT

The following Practice Direction is issued pursuant to section 21 of the *Local Court Act* and will apply from the date of issue.

The previous Practice Direction issued on 4 August 2005 in relation to section 36 of the *Volatile Substance Abuse Prevention Act 2005* is revoked.

PURPOSE

Section 36 (2) of the *Volatile Substance Abuse Prevention Act* provides that an application for a treatment order must be in the form approved by the Chief Magistrate. Similarly, section 37(2) of the Act provides that an application for an order in connection with a treatment order (for example an order to vary, extend or revoke a treatment order) must be in the form approved by the Chief Magistrate. The purpose of this Practice Direction is to approve and prescribe the form which is to be completed and filed in the Local Court when a treatment order or an order in connection with a treatment order is sought by the Chief Health Officer (or a delegate).

THE APPROVED AND PRESCRIBED FORM OF APPLICATION

An application for a treatment order or an order in connection with a treatment order is to be made by use of the form attached to this Practice Direction.

John Allan Lowndes

Chief Magistrate of the Northern Territory

10 January 2014

NORTHERN TERRITORY OF AUSTRALIA

Volatile Substance Abuse Prevention Act ss36 (1) and 37(1)

**APPLICATION FOR A TREATMENT ORDER OR AN ORDER IN CONNECTION
WITH A TREATMENT ORDER**

The applicant applies to the Court for the following orders:

[brief statement of the orders applied for, identifying whether the application is made under s36(1) or 37(1) of the Act].

The facts, matters and circumstances supporting the application are :

[sufficient particulars to support the application]

Dated

[signature of applicant or legal practitioner]

The application will be heard by the Court at [address of the Court] at am /pm on
or as soon afterwards as the business of the Court allows.

TO THE RESPONDENT

This proceeding has been commenced against you by the applicant who has applied to the Court for the orders referred to above.

IF YOU INTEND TO APPEAR before the Court in respect of this proceeding, **YOU MUST AS SOON AS PRACTICABLE BEFORE THE DATE FIXED FOR THE HEARING:**

- (a) file with the Registrar of the Local Court at [venue] a notice of intention to appear; and

(b) serve a copy of the notice on the applicant.

YOU MAY ALSO FILE AND SERVE an affidavit in response to the facts, matters and circumstances specified in the application and any supporting affidavit.

IF YOU DO NOT appear at the hearing the applicant may obtain the orders sought without further notice.

Filed:

Registrar

Do not ignore this notice. If you do not understand this notice or need help contact a Registrar of the Local Court, a legal practitioner or your local legal aid office.

1. This application was filed –

*by the applicant in person.

*for the applicant by [name of applicant's legal practitioner] of [name of firm], legal practitioner(s), of [business address in Australia, including telephone, facsimile and reference numbers. If the legal practitioner is the agent of another legal practitioner, also insert the name of the principal's firm and business address including telephone, facsimile and reference numbers]

2. The address of the applicant is -

3. The address for service of the applicant is – [if the applicant acts in person – the address in 2. If the applicant is represented by a legal practitioner – the address in 1].

4. The address of the respondent is –

*Delete if inapplicable

