**PRACTICE DIRECTION**

**NO 6 OF 2014**

**RE-LISTING OF MATTERS BEFORE THE NORTHERN TERRITORY MAGISTRATES COURTS AND SURRENDER OF PERSONS ON WARRANT**

**COURT OF SUMMARY JURISDICTION**

**YOUTH JUSTICE COURT**

This Practice Direction is made pursuant to section 201A of the *Justices Act* and section 53 of the *Youth Justice Act* and shall apply from the date of issue.

This Practice Direction revokes Practice Direction No 22 of 2012.

**PURPOSE**

The purpose of this Practice Direction is to regulate the practice and procedure in relation to applications to re-list matters before the Court of Summary Jurisdiction and the Youth Justice Court and the surrender of persons on warrant.

**PROCEDURE IN RELATION TO APPLICATIONS TO RE-LIST**

1. All applications to list a matter on a date other than as ordered by the Court must be made by completing the attached form “Application to Re-List” and lodging it with the court registry at the place at which the matter is being heard. In the case of remote circuits which do not have a court registry, the application is to be made to the court registry at the place associated with the circuit, unless that court is sitting at the time the application is made. Where that circuit is sitting when the application is made, the application may be lodged with the court officer at that sitting.

1. The application to re-list is to be considered by a registrar or a magistrate who will determine whether the matter is to be re-listed, and if so specify the date on which the matter is to be re-listed.
2. If a magistrate has already been allocated to hear a matter any application to re-list must be referred to and determined by that magistrate, unless it is not practicable to do so - in which event a registrar may proceed to determine the application.
3. All other applications to re-list are to be determined by a registrar unless that court officer considers that the circumstances of either the application or the matter make it more appropriate for a magistrate to determine the application.
4. An application to re-list must be completed in full, otherwise it will not be considered and determined.
5. In addition to the application, if any further documentation is required to be completed pursuant to other legislation (such as a Request for Review of a Bail Decision under Regulation 5 of the *Bail Regulations*), that documentation must also be completed and accompany the application to re-list.
6. The court registry will notify the applicant of the determination made by the registrar or the magistrate.
7. It is the responsibility of the applicant to notify the opposing party of the outcome of the application.

**PROCEDURE IN RELATION TO SURRENDER OF PERSONS ON WARRANT**

1. A person who wishes to surrender to the Court on an outstanding warrant must complete the attached form “Surrender on Warrant”.
2. The person will be informed by Court staff that if he or she leaves or attempts to leave the Court before the matter has been dealt with, he or she will be liable to be arrested as any warrant will remain unexecuted at that stage.
3. Court staff will notify the prosecution of a person who has surrendered him or herself to the Court by sending a copy of the completed form by facsimile or email or by handing the completed form to the prosecution in circuit courts.
4. No application may be made to set aside an outstanding warrant in such a case until the defendant appears before the Court for further disposition in relation to custody or bail.

John Lowndes

Chief Magistrate

26 June 2014



NORTHERN TERRITORY OF AUSTRALIA

MAGISTRATES COURTS

**Application to Re-List**

PRACTICE DIRECTION

No. 6 of 2014

COURT OF SUMMARY JURISDICTION

YOUTH JUSTICE COURT

|  |  |
| --- | --- |
|  | |
| Case Number/s or Court Reference/s: | |
| Applicant: | Defendant / Respondent: |
| Application to re-list made by: (Name) Of Agency / Company: | |
| Date matter is next listed in Court: Nature of next listing: (eg plea/hearing etc) | |
| Contact Details:  (How will the Court notify you of the outcome) | |
| Reason for Application to Re-List and date sought: (Note: Additional documentation may be required)  Have you notified the other parties of your intent to make this application? YES (please circle) | |
| Is this an urgent application? YES / NO (please circle whichever is applicable)  If so, why is it urgent? | |
| Signed: Date: | |

**This application to have your matter re-listed will be decided by a Registrar or Magistrate. As a general rule, matters will be scheduled not less than 24 hours later. If you think you need this matter listed more urgently than that, you MUST tell us why.**

**It is your responsibility to ensure that the other parties to the matter are advised of the outcome of this application. If you are unrepresented and unsure of how to do this, you should ask the Registrar for assistance.**

|  |  |
| --- | --- |
| |  | | --- | | **REGISTRAR/MAGISTRATE USE ONLY** |   **Application GRANTED / REFUSED**  **If granted:**  These file(s) now listed on: (date) at (time)  Before whom: (if applicable)  *(for criminal matters)*  The defendant is: a) EXCUSED  b) REQUIRED TO ATTEND via VIDEO LINK  c) REQUIRED TO ATTEND IN PERSON (call up required)  Signed: Date: |
| |  | | --- | | **REGISTRY USE ONLY** |   **□** I have notified the applicant of the outcome of the application  **□** I have produced a call up notice where required by the Magistrate  **□** I have scheduled the matter in IJIS where appropriate  Signed: Date: |



NORTHERN TERRITORY OF AUSTRALIA

MAGISTRATES COURTS

**Surrender on Warrant**

PRACTICE DIRECTION

No. 6 of 2014

COURT OF SUMMARY JURISDICTION

YOUTH JUSTICE COURT

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|  |
| Case Number/s or Court Reference/s: |
| Defendant Name: |
| I have attended Court today to surrender on a warrant that was issued for my arrest.  I understand that I must remain at Court until my matter is heard and that until otherwise ordered by a Magistrate, I remain liable to be arrested.  Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Time: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

|  |  |
| --- | --- |
| |  | | --- | | **REGISTRY USE ONLY** |   **□** Matter is allocated into Court no \_\_\_\_ at (place) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  **□** A copy of this notice has been faxed / emailed to the relevant prosecuting agency as indicated:  **□** NT Police **□** DPP **□** Commonwealth DPP **□** Other (specify)  **□** I have scheduled the matter in IJIS  Signed: Date: |