

**SUPREME COURT
OF THE
NORTHERN TERRITORY OF AUSTRALIA**

**PRACTICE DIRECTION
No 4 of 2015**

Applications under s 43(1) & (2) Sentencing Act

1. Applications under s 43(1) and s 43(2) of the *Sentencing Act* should be made on the form prescribed in the Sentencing Regulations (Form 4), not on the Form 81A-A referred to in Supreme Court Rules 81A.11.
2. The grounds set out in the Application should identify (and be confined to) the offence alleged (under s 43(1)) and / or the particular condition(s) which is/are said to have been breached (under s 43(2)).
3. The Application should be supported by an accompanying affidavit that sets out all relevant detail. For example the Affidavit (not the Application) should include relevant history such as information about the sentence that was suspended and conditions of suspension, information about any relevant instructions or directions provided to the prisoner by the probation officer, evidence of each breach alleged and a summary of compliance. Some of that detail – eg a copy of the order containing the sentence and conditions of suspension, a copy of written directions provided to the prisoner and compliance reports - should if possible be contained in one or more annexures, instead of being repeated in full in the body of the affidavit.
4. The Affidavit should comply with the normal requirements for affidavits in Rule 43 of the Supreme Court Rules, in particular Rules 43.01 and 43.03.

Dated 16 February 2015

The Hon. Chief Justice Trevor Riley