

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

**PRACTICE DIRECTION  
No 4 of 2014**

**Prisoners at Risk of Harm**

This Practice Direction should be read in conjunction with Part 5 Order 81A of the *Supreme Court Rules*.

**PURPOSE**

The purpose of this Practice Direction is to regulate the practice and procedure in relation to persons who are at risk of harm if remanded into custody or sentenced or committed to a term of imprisonment.

For the purposes of this Practice Direction a person is at risk of harm if he or she is:

- (a) at risk of self-harm; or
- (b) at risk of harm from a medical or physical condition; or
- (c) at risk of harm from another prisoner or prisoners.

**1. At Risk of Self-Harm**

A person is considered to be at risk of self-harm if he or she is:

- (a) suicidal or suspected of being suicidal;
- (b) mentally ill or mentally disturbed (as defined under the *Mental Health and Related Services Act*) or appears to be mentally ill or mentally disturbed and by reason thereof medical or mental health advice indicates that 24 hour observation and “at risk” status are required;
- (c) emotionally disturbed and by reason thereof medical or mental health advice indicates that 24 hour observation and “at risk” status are required;  
or
- (d) suffering from any other mental condition that the Court considers poses a significant risk to the person’s mental health.

## **2. At Risk of Harm from a Medical or Physical Condition**

A person is considered to be at risk of harm from a medical or physical condition if he or she is:

- (a) suffering from serious health problems or post-operative trauma, or where advice from a medical practitioner indicates that 24 hour observation and “at risk” status are required;
- (b) suffering, or likely to suffer, from severe alcohol or drug withdrawal symptoms, or where medical advice indicates that 24 hour observation and “at risk” status are required; or
- (c) suffering from any other condition that the Court considers poses a significant risk to the person’s physical health.

## **3. At Risk of Harm from Another Prisoner or Prisoners**

A person is considered to be at risk of harm from another prisoner or prisoners if he or she is at a significant risk to their physical health from that prisoner or prisoners.

## **PROCEDURE**

1. Where there is information available to a prosecutor or counsel for a defendant indicating that a person may be at risk of harm or self-harm, at risk of harm from a medical or physical condition, or at risk of harm from another prisoner or prisoners if that person is remanded into custody, or sentenced, or committed to a term of imprisonment, that information should be disclosed to the Court as soon as possible.
2. Where such information is disclosed to the Court, it may order that:
  - (a) the defendant may be at risk in one or more of the respects referred to in paragraph (1); and
  - (b) all persons responsible for the custody of the defendant be advised that the defendant may be at risk in one or more of those respects and be provided with the information available to the Court in relation to the defendant’s “at risk” status, including relevant medical or psychological reports.
3. Where the Court makes an order under paragraph 2, the presiding Justice must sign an order in terms of the attached form of order and place it on the Court file.
4. Where the Court makes an order under paragraph 2:

- (a) the Sheriff or Deputy Sheriff shall cause notice of the “at risk” status of the defendant and relevant information to be communicated to all persons responsible for the defendant’s custody by telephone, email, facsimile or any combination thereof;
- (b) the said Court officers shall endorse the remand warrant or warrant of commitment to prison with the words at “risk of self-harm”, or “at risk of harm from a medical or physical condition”, or “at risk of harm from another prisoner or prisoners” – whichever is applicable; and
- (c) the said Court officers shall ensure that the defendant is not left unsupervised whilst in the custody of the Court.

Dated 2 December 2014

**Chief Justice**

IN THE SUPREME COURT  
OF THE NORTHERN TERRITORY  
OF AUSTRALIA  
AT DARWIN / ALICE SPRINGS (*Delete as the case may be*) Rule 81A.22

No. *Enter File Number*

BETWEEN:

**REGINA**

Plaintiff

AND:

**ENTER DEFENDANT'S  
NAME/TITLE**

Defendant

**PRISONER AT RISK ORDER**

CORAM:

DATE MADE:

PLACE WHERE ORDER MADE: DARWIN/ALICE SPRINGS (*Delete as the case may be*)

THE COURT ORDERS THAT:

1. The above named defendant be declared to be at risk of:
  - self harm;
  - harm from a medical or physical condition; or
  - harm from another prisoner or prisoners.<sup>1</sup>
2. All persons responsible for the custody of the defendant be advised that the defendant may be at risk in the terms stated above and be provided with the information available to the Court in relation to the defendant's "at risk" status, including relevant medical or psychological reports.

.....  
JUDGE

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<sup>1</sup> Tick whichever is applicable

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**FORM OF NOTIFICATION OF PRISONER AT RISK**

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The following defendant has been remanded in custody / sentenced / committed to a term of imprisonment (*delete whichever is inapplicable*) at the Supreme Court and is classified as a prisoner:

- at risk of self-harm;
- at risk of harm from a medical or physical condition; or
- at risk of harm from another prisoner or prisoners.<sup>2</sup>

DEFENDANT'S NAME: \_\_\_\_\_

FILE NUMBER / IJIS ID: \_\_\_\_\_

DEFENCE COUNSEL: \_\_\_\_\_

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**ATTACHED INFORMATION**

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Copy of Practice Direction Yes / No

Order of the Court Yes / No

Transcript of Proceedings Yes / No  
(If no, transcript will be forwarded  
as soon as possible)

Relevant Medical Reports Yes / No

Relevant Psychological Reports Yes / No

Other Documentation (Please Specify) Yes / No

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**THIS DEFENDANT HAVING BEEN CLASSIFIED "AT RISK" IT IS  
ESSENTIAL THAT THE PRISONER NOT BE LEFT UNSUPERVISED  
WHILST IN THE CUSTODY OF THE COURT**

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<sup>2</sup> Tick whichever is applicable.