

**NORTHERN TERRITORY OF AUSTRALIA**

**LOCAL COURT REGULATIONS**

As in force at 1 May 2016

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 May 2016

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## LOCAL COURT REGULATIONS

### Regulations under the *Local Court Act*

#### **Part 1 Preliminary matters**

##### **1 Citation**

These Regulations may be cited as the *Local Court Regulations*.

##### **2 Commencement**

These Regulations commence on the commencement of the *Local Court Act*.

#### **Part 2 When JPs may constitute the Court**

##### **Division 1 Two or more JPs**

##### **3 Court constituted by 2 JPs**

- (1) For section 6(4) of the Act, the Court may be constituted by 2 or more JPs for the purpose of exercising the Court's criminal jurisdiction as mentioned in subregulations (2) and (3).
- (2) In proceedings relating to a charge of a summary offence, the Court constituted by 2 or more JPs may do either or both of the following:
  - (a) anything preliminary to the hearing of the charge;
  - (b) if there is no Judge available to constitute the Court to hear and determine the charge without the proceedings being unreasonably delayed – hear and determine the charge.
- (3) In proceedings relating to a charge of an indictable offence that is to be heard and determined summarily, the Court constituted by 2 or more JPs:
  - (a) may do anything preliminary to the hearing of the charge; but

- (b) cannot hear and determine the charge.

#### **4            How Court to act when constituted by 2 or more JPs**

- (1) If the Court is constituted by 2 or more JPs, both or all of them must be present and acting together.
- (2) If the Court is constituted by 2 JPs, the decision of the Court is:
  - (a) the unanimous decision of both of them; or
  - (b) if they cannot agree – the decision of the one who was first appointed as a JP.
- (3) If the Court is constituted by more than 2 JPs, the decision of the Court is:
  - (a) the unanimous decision of all of them; or
  - (b) the decision of a majority of them; or
  - (c) if there is an equality of votes – the decision of the one who was first appointed as a JP.

### **Division 2            One JP**

#### **5            Court constituted by one JP**

- (1) For section 6(4) of the Act, the Court may be constituted by one JP for the purpose of exercising the Court's criminal jurisdiction as mentioned in subregulation (2).
- (2) In proceedings relating to a charge of a summary offence, the Court constituted by one JP may do either or both of the following:
  - (a) anything preliminary to the hearing of the charge;
  - (b) if the criteria mentioned in subregulation (3) are satisfied – hear and determine the charge.
- (3) The criteria for subregulation (2)(b) are that:
  - (a) the offence is an offence against a law in force in the Territory; and
  - (b) the offence is not punishable by a term of imprisonment; and
  - (c) the maximum fine that may be imposed on an individual for the offence is not more than 10 penalty units; and

- (d) the parties have given written consent to the charge being heard and determined by the Court constituted by one JP.

**6 One JP may perform Court's functions under the *Bail Act***

The Court may be constituted by one JP for the purposes of performing the Court's functions under the *Bail Act* (except as otherwise provided in that Act).

**Part 3 Fees**

**7 Fees**

- (1) The Schedule prescribes the fees payable in relation to proceedings and for other matters listed in the Schedule.
- (2) The fees are specified in revenue units unless otherwise indicated.
- (3) The fees are payable:
  - (a) to the Court unless otherwise specified; and
  - (b) at the time specified in the Schedule.
- (4) This regulation is subject to regulations 8 to 12.

**8 No fees for certain proceedings**

No fees are payable in relation to proceedings under the *Domestic and Family Violence Act* or the *Personal Violence Restraining Orders Act*.

**9 Fees for Territory in civil proceedings**

- (1) This regulation applies in relation to a person acting in civil proceedings for or by the authority of the Territory.
- (2) The person is exempt from payment of the fees specified in the Schedule, items 1 and 2.
- (3) The person is entitled to recover an amount equal to the fee that would otherwise have been payable as part of a judgment debt as if it were a cost incurred.
- (4) On recovery of the judgement debt, the person must pay an amount equal to the fee to the Court.

**10 Fees for parties in civil proceedings**

- (1) This regulation applies in relation to the parties to civil proceedings.

- (2) The parties are exempt from payment of the fees specified in the Schedule, item 4.

#### **11 Fees for Territory in criminal proceedings**

- (1) This regulation applies where criminal proceedings are commenced under the Act by:
- (a) a police officer in the officer's capacity as an officer; or
  - (b) in relation to legislation that is administered by an Agency within the meaning of the *Public Sector Employment and Management Act*.
    - (i) an employee, as defined in that Act; or
    - (ii) a Chief Executive Officer, as defined in that Act.
- (2) The officer, employee or Chief Executive Officer is exempt from payment of the fees specified in the Schedule, item 8, 9, 10, 11 and 13, unless otherwise ordered by the Court.

#### **12 Waiver of fee in case of hardship**

- (1) This regulation applies in relation to a civil proceedings.
- (2) A registrar may waive payment of all or part of a fee specified in the Schedule, item 1, 2, 3 or 4, subject to any written directions given by the principal registrar, if satisfied that payment of the fee would cause financial hardship to the person otherwise required to pay it.

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**Schedule Fees**

regulation 7

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**Fee**  
(revenue units unless  
otherwise stated)

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**Part 1 Civil Jurisdiction****1 Filing***(Payable at time of filing)*

- |  |     |
|--|-----|
| (a) Statement of claim or originating application under Part 7 of the <i>Local Court (Civil Proceedings) Rules</i> seeking monetary relief where the amount is:  |     |
| (i) more than \$5 000 but less than \$10 000 .....   | 232 |
| (ii) \$10 000 or more but less than \$20 000 .....   | 355 |
| (iii) \$20 000 or more .....   | 435 |
| (iv) an unspecified amount .....   | 435 |
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| (i) more than \$5 000 but less than \$10 000 .....   | 232 |
| (ii) \$10 000 or more but less than \$20 000 .....   | 355 |
| (iii) \$20 000 or more .....   | 435 |
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## ENDNOTES

### 1 KEY

Key to abbreviations

amd = amended  
app = appendix  
bl = by-law  
ch = Chapter  
cl = clause  
div = Division  
exp = expires/expired  
f = forms  
Gaz = Gazette  
hdg = heading  
ins = inserted  
lt = long title  
nc = not commenced

od = order  
om = omitted  
pt = Part  
r = regulation/rule  
rem = remainder  
renum = renumbered  
rep = repealed  
s = section  
sch = Schedule  
sdiv = Subdivision  
SL = Subordinate Legislation  
sub = substituted

### 2 LIST OF LEGISLATION

#### ***Local Court Regulations (SL No. 16, 2016)***

Notified	29 April 2016
Commenced	1 May 2016 (r 2, s 2 <i>Local Court Act 2015</i> (Act No. 15, 2015) and Gaz G1, 6 January 2016, p 9)