

NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT REGULATIONS 2016

As in force at 5 December 2018

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 5 December 2018

LOCAL COURT REGULATIONS 2016

Regulations under the *Local Court Act 2015*

Part 1 Preliminary matters

1 Citation

These Regulations may be cited as the *Local Court Regulations 2016*.

2 Commencement

These Regulations commence on the commencement of the *Local Court Act 2015*.

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 1982*

The Court may be constituted by one JP for the purposes of performing the Court's functions under the *Bail Act 1982* (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 2007* or the *Personal Violence Restraining Orders Act 2016*.

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 1993*:
 - (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

A registrar may waive payment of all or part of any of the following fees, 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:

- (a) a fee specified in the Schedule, item 1, 2, 3, or 4;
- (b) a fee specified in the Schedule, item 8, that is prescribed for filing a complaint, information or application.

Schedule Fees

regulation 7

Fee
(revenue units unless
otherwise stated)

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

- (a) Statement of claim or originating application under Part 7 of the *Local Court (Civil Jurisdiction) Rules 1998* 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 |
- (b) Statement of claim or originating application under Part 7 of the *Local Court (Civil Jurisdiction) Rules 1998* other than a claim or application seeking monetary relief
- | | |
|--|-----|
| | 232 |
|--|-----|
- (c) Statement of claim or originating application under Part 7 of the *Local Court (Civil Jurisdiction) Rules 1998* seeking relief other than monetary relief in addition to, or as an alternative to, monetary relief where the amount to which the other than monetary relief is in addition, or is an alternative, 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 |
- (d) Application for an interpleader order under Part 14 of the *Local Court (Civil Jurisdiction) Rules 1998*
- | | |
|--|-----|
| | 126 |
|--|-----|
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- | | |
|--|-----|
| | 126 |
|--|-----|
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- | | |
|--|-----|
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|--|-----|
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- | | |
|--|-----|
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|--|-----|

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6	Execution of warrants <i>(Payable to bailiff on execution of warrant)</i>	
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	(i) less than \$5 000	91
	(ii) \$5 000 or more but less than \$20 000	136
	(iii) \$20 000 or more	180
	(c) Bailiff fee for execution of other warrants	65

6A	Court transcripts <i>(Payable on demand)</i>	
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	(i) for issue of order	52
	(ii) for execution	51
12A	Court transcripts <i>(Payable on demand)</i>	
	(a) Copy of transcript not on case file – per page	14
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13	Photocopying <i>(Payable on demand)</i>	
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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)

Local Court Amendment Regulations 2016 (SL No. 28, 2016)

Notified	1 July 2016
Commenced	1 July 2016

Local Court Amendment Regulations 2018 (SL No. 23, 2018)

Notified	5 December 2018
Commenced	5 December 2018

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22 of 2018) to: rr 1, 2, 6, 8 and 11 and sch.

4 LIST OF AMENDMENTS

r 12	sub No. 5, 2018, r 4
sch	amd No. 28, 2016, r 3; No. 5, 2018, r 5