

**NORTHERN TERRITORY OF AUSTRALIA**

**LOCAL COURT (CRIMINAL PROCEDURE) REGULATIONS**

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**Subordinate Legislation No. 15 of 2016**

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**Subordinate Legislation No. 15 of 2016\***

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## ***Local Court (Criminal Procedure) Regulations***

I, John Laurence Hardy, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, and with reference to section 8 of the *Interpretation Act*, make the following regulations under the *Local Court (Criminal Procedure) Act*.

Dated 28 April 2016

J. L. HARDY  
Administrator

By His Honour's Command

P. D. STYLES  
Minister for Business  
acting for  
Attorney-General and Minister for Justice

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\* Notified in the *Northern Territory Government Gazette* on 29 April 2016.

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**1 Citation**

These Regulations may be cited as the *Local Court (Criminal Procedure) Regulations*.

**2 Commencement**

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

**3 Definition**

In these Regulations:

**financial unit**, see regulation 4.

**4 Financial unit**

(1) The monetary value of a **financial unit** means:

(a) from 1 May 2016 to 30 June 2017 – \$1.00; and

(b) from 1 July 2017, the amount calculated in accordance with the formula in subregulation (2) and as provided by subregulations (3) and (4).

(2) The formula is:

$$A = B \times \frac{C}{D}$$

where:

**A** is the monetary value of a financial unit for the financial year for which the calculation is made.

**B** is \$1.00.

**C** is the average of the CPI figures for Darwin for each of the 4 quarters of the calendar year immediately preceding the financial year for which the calculation is made.

**D** is the average of the CPI figures for Darwin for each of the 4 quarters of the calendar year 2016.

(3) The monetary value of a financial unit, calculated in accordance with subregulation (2), is to be rounded down to 2 decimal places.

*Example for subregulation (3)*

*By calculating in accordance with the formula in subregulation (2), A is equal to \$1.129. A is rounded down to 2 decimal places which gives a value of \$1.12.*

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- (4) However, if the figure for A, after rounding under subregulation (3), is less than the figure for the previous financial year, the monetary value of a financial unit for the financial year is the same as that for the previous financial year.
- (5) If the monetary value of a financial unit calculated under this regulation for a financial year (the ***new financial year***) increases from that of the previous financial year, the new value:
- (a) takes effect on 1 July of the new financial year; and
  - (b) applies in calculating the amount payable in a matter only on or after the day on which the new value takes effect.
- (6) In this regulation:

***CPI figure for Darwin*** means the Consumer Price Index: All Groups Index Number for Darwin published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* (Cth).

***quarter***, of a calendar year, means the period of 3 months ending at the end of March, June, September or December in that year.

## **5 Limit on amount ordered for costs**

- (1) For section 77C of the Act, the amount that the Court may order for costs (the ***prescribed scale***) must not exceed:
- (a) for the first day of a hearing, including preparation of the case for the hearing and counsel fee – 1 500 financial units; and
  - (b) for the second or a subsequent day of the hearing – 850 financial units.
- (2) In determining the amount for costs, the Court may have regard to the following matters:
- (a) whether the complainant commenced and continued with the proceedings in good faith;
  - (b) whether the complainant failed to take steps to investigate a matter coming to, or within, the complainant's knowledge;
  - (c) the conduct of the investigation of the matters that led to the complainant making the complaint;

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- (d) if the Court dismissed the complaint – whether the dismissal was made on technical grounds and not on a finding that there was insufficient evidence to convict or make an order against the defendant;
  - (e) whether the defendant conducted the defence in a way that unreasonably prolonged the proceedings;
  - (f) whether the defendant was entitled to an acquittal but subsequently convicted on another charge.
- (3) However, if the Court considers the circumstances of the case, or the legal issues, are of an exceptional nature, the Court may order costs exceeding the prescribed scale.

**6 Transitional matters for the *Local Court (Criminal Procedure) Regulations***

The prescribed scale as mentioned in repealed regulation 14 of the *Justices Regulations* continues to apply in relation to proceedings in the Local Court that are commenced before the commencement of these Regulations as if the repealed regulation had not been repealed.