

NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT (CRIMINAL PROCEDURE) REGULATIONS

Subordinate Legislation No. 15 of 2016

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 15 of 2016*

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

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

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.