

NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT REGULATIONS

Subordinate Legislation No. 16 of 2016

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 16 of 2016*

Local Court 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 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.

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.

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 Proceedings) Rules* 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 Proceedings) Rules* 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 Proceedings) Rules* 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 Proceedings) Rules* 126
- (e) Application for an order under Part 18 of the *Local Court (Civil Proceedings) Rules* seeking preliminary discovery or discovery from a non-party 126
- (f) Application for a re-hearing under Part 36 of the *Local Court (Civil Proceedings) Rules* 271
- (g) Notice of appeal under Part 37 of the *Local Court (Civil Proceedings) Rules* 115

(h)	Application for the issue of a warrant	62
(i)	Application for an order under Chapter 2 of the <i>Local Court (Civil Proceedings) Rules</i>	62
(j)	Judgment filed for registration under section 105 of the <i>Service and Execution of Process Act 1992 (Cth)</i>	134
(k)	Any other application	126
2	Taxation of costs (Payable at time of filing)	
	Filing a bill of costs under Part 38 of the <i>Local Court (Civil Proceedings) Rules</i>	385
3	Orders (Payable on demand)	
	Certified copy of order under Part 35 of the <i>Local Court (Civil Proceedings) Rules</i>	66
4	Inspection of court records (Payable at time of access or inspection)	
(a)	Access to case file under section 29(2) of the Act	22
(b)	Inspection of judgment or order under section 30(1) of the Act	22
(c)	Access to an exhibit admitted into evidence under section 31(2) of the Act	22
5	Service (Payable to bailiff on demand after service or 2 unsuccessful attempts to serve)	
	Bailiff fee for service under rule 5 of the <i>Local Court (General) Rules</i>	125
6	Execution of warrants (Payable to bailiff on execution of warrant)	
(a)	Bailiff fee for execution of warrant of possession	136
(b)	Bailiff fee for execution of warrant of seizure and sale where the value of property to be seized is:	
(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

7	Photocopying (Payable on demand)	
	Photocopying by Court staff – per page	\$2
Part 2 Criminal Jurisdiction		
8	Filing (Payable at time of filing)	
	Complaint, information, application	87
	Notice of appeal	124
9	Issue of summons (Payable before summons issued)	
	Issue of summons	23
10	Service (Payable before service is attempted)	
	Fee for service of summons, application, notice or order by bailiff	33
11	Warrants (Payable before warrant issued or executed)	
	(i) for issue of warrant	52
	(ii) for execution	51
12	Orders for payment of money (Payable before order issued or executed)	
	Order for payment of a fine or other sum of money	
	(i) for issue of order	52
	(ii) for execution	51
13	Photocopying (Payable on demand)	
	Photocopying of document in proceedings – per page	\$2