

**NORTHERN TERRITORY OF AUSTRALIA**  
**NORTHERN TERRITORY CIVIL AND ADMINISTRATIVE TRIBUNAL**  
**AMENDMENT RULES 2016**

---

**Subordinate Legislation No. 42 of 2016**

---

**Table of provisions**

1	Citation .....	2
2	Rules amended .....	2
3	Rule 10 replaced .....	2
	10      Costs	
4	Expiry of Rules .....	3





# NORTHERN TERRITORY OF AUSTRALIA

---

**Subordinate Legislation No. 42 of 2016\***

---

## ***Northern Territory Civil and Administrative Tribunal Amendment Rules 2016***

The rules committee of the Northern Territory Civil and Administrative Tribunal, under section 138(3)(a) of the *Northern Territory Civil and Administrative Tribunal Act*, makes the following Rules.

Dated 13 October 2016

R. H. BRUXNER  
President

A. MACRIDES  
Member

---

\* Notified in the *Northern Territory Government Gazette* on 23 November 2016.

---

**1 Citation**

These Rules may be cited as the *Northern Territory Civil and Administrative Tribunal Amendment Rules 2016*.

**2 Rules amended**

These Rules amend the *Northern Territory Civil and Administrative Tribunal Rules*.

**3 Rule 10 replaced**

Rule 10

*repeal, insert*

**10 Costs**

- (1) This rule applies to costs orders under Part 4, Division 6 of the Act.
- (2) For section 132(2)(d) of the Act, in deciding whether to make a costs order for a proceeding or part of a proceeding, the Tribunal must take into account:
  - (a) the extent to which a failure by a party to comply with these Rules or a direction by the Tribunal has resulted in a waste of money or time; and
  - (b) whether the failure to make a costs order for the out-of-pocket expenses reasonably incurred by a successful party would substantially deprive that party of relief.
- (3) A person seeking a costs order for a proceeding or part of a proceeding:
  - (a) may do so by making an ordinary application; and
  - (b) must include in the evidence in support of the application an itemisation of the costs and disbursements in respect of which the order is sought.
- (4) For subrule 10(2)(b), if a fee charged by a service provider for service of process and travelling allowance exceeds the sheriff fee, the excess is taken not to be reasonably incurred.

---

(5) In this rule:

**out-of-pocket expenses** means one or more of the following expenses:

- (a) the fee prescribed by the Regulations for filing an initiating application;
- (b) a fee charged by a service provider for filing a document;
- (c) a fee charged by a service provider for service of process and travelling allowance;
- (d) a fee charged by a service provider for a search to locate a person or thing;
- (e) a fee charged by a service provider for a business name search or company search.

**service provider** means:

- (a) the sheriff; or
- (b) a private bailiff, process server, inquiry agent or commercial agent.

**sheriff**, see section 4 of the *Sheriff Act*.

**sheriff fee** means the fee payable to the sheriff for service of process as prescribed in the Schedule, items 1 to 4, to the *Sheriff Regulations*.

**successful party**, for a proceeding or part of a proceeding, means a party who has substantially succeeded against another party in the proceeding or part.

#### **4 Expiry of Rules**

These Rules expire on the day after they commence.