

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

Subordinate Legislation No. 42 of 2016

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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.