

**2009**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**MAGISTRATES COURT REGULATION 2009**

**SL2009- 24**

**EXPLANATORY STATEMENT**

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# Magistrates Court Regulation 2009

## Outline

The *Crimes Legislation Amendment Act 2008* (Act) contains provisions that reform the criminal justice system, including amendments to the *Magistrates Court Act 1930*. The Act commences operation on 30 May 2009. It includes a provision amending the *Magistrates Court Act 1930*, section 244 so that the power of the court to award costs in criminal matters must be awarded in the way prescribed by regulation.

This regulation sets out the manner in which costs may be awarded. It provides that costs will be awarded by reference to a scale, and can either be awarded by a Magistrate, on the basis of parties agreeing, or by the parties having the matter assessed by the Registrar when they are unable to agree on costs. In each case the costs will be assessed by reference to the scale, and multiplied by 67% to reflect that the matter has been litigated in the Magistrates Court rather than the Supreme Court (as it is intended that this will apply in the same way that civil costs are calculated, with costs in the Magistrates Court calculated at two thirds of the Supreme Court scale).

# Magistrates Court Regulation 2009

## Detail

### Clause 1 – Name of regulation

This is a technical clause that states that the regulation is the *Magistrates Court Regulation 2009*.

### Clause 2 – Commencement

This clause provides that the regulation commences on 30 May 2009.

### Clause 3 – Notes

This is a technical clause that notes are explanatory only.

### Clause 4 – Awarding costs in criminal matters – Act, s244(1)(d)(i)

This clause sets out that costs awards can either be determined by the court, or agreed on by the parties, but that in either case, the amount determined must be calculated by reference to the scale of costs in the *Court Procedures Rules 2006*.

The scale of costs is to be applied by multiplying the scale by 67%. This means that when a magistrate is looking at the scale to determine the costs to be awarded to a party, or the parties are looking at the scale to agree on costs between the parties, the figures in the scale are to be multiplied by 67% in order to arrive at the correct figures. It is intended that this will apply in the same way that civil costs are calculated in the Magistrates Court at two thirds of the Supreme Court scale.

### Clause 5 – Costs in criminal matters – agreement by parties

The clause provides for cases where parties are ordered to pay amounts agreed by the parties. It makes provision for the agreed costs to be registered with the court, and for the court to order that the registrar assess costs in the usual fashion when parties are unable to reach agreement on costs.