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ROUSSOS LEGAL ADVISORY

Strategic Business Counsel



Northern Territory *Local Court (Civil Jurisdiction) Rules*

Amendment – *Local Court (Civil Jurisdiction) Amendment Rules 2017*

In a nutshell

In May 2016, the *Local Court of the Northern Territory* was formed (previously, the Magistrate's Court) with Civil and Criminal jurisdictions.

As part of the reforms, the Local Court's civil jurisdiction was increased. Previously able to deal with claims up to \$100,000; this was increased \$25,000 – \$250,000.

Claims involving less than \$25,000 were moved to the *Northern Territory Civil and Appeals Tribunal*; which now deals with small claims.

In May 2017, the Chief Judge and the Judges of the Local Court made amendments to the *Local Court (Civil Jurisdiction) Rules* effecting important procedural changes, particularly in relation to early discovery.

These changes commenced 12 July 2017.

2017 Amendments

- **Address for service on Court documents.**
 - Where a Plaintiff sues in person, the Plaintiff must provide on the Court document an address for service within 50kms of the relevant Court Registry. If the Plaintiff sues via a solicitor, the solicitor provides a business address in Australia for the law practice.
 - The same applies to a Defendant. If a Defendant defends in person, the Defendant must state an address for service within 50kms of the relevant Court Registry. If the Defendant defends via a solicitor, the solicitor provides a business address in Australia for the law practice.
 - An address for service can include an email address; and a postal address.
- **Service by email.** Other than where personal service is required by the Rules, where the address of service provides an email, service of documents can be by email.
- **Early discovery.** The 2017 amendments require early discovery. At the time of filing of the Statement of Claim; other initiating Application; or Defence, each party must give discovery of documents by making and filing a list of the documents.

The list of documents is required to set out documents that:

- are or have been in the party's possession; and
- relate to a matter in question between the parties in the proceedings.

➤ **Service of the Statement of Claim and Defence; with a List of Documents.**

The requirement to file a List of Documents also applies to initiating applications other than Statements of Claim.

The Statement of Claim (or other initiating process) together with the List of Documents are required to be personally served on each Defendant.

A Defendant has 28 days to file a Defence. The Defendant must also file a List of Documents with the Defence.

- **Time for service of Statement of Claim.** Previously, a Statement of Claim was valid for service for 12 months. The amendments have reduced this period to 6 months. There is provision to extend that period, to a maximum further period of 6 months.
- **Assessment of legal costs.** The Court Rules relating to legal costs apply to the assessment of costs one party has to pay another party. The agreement for the payment for services between a lawyer and client is determined separately, in accordance with the particular agreement and the *Legal Profession Act*. Where the Court makes an order as to legal costs; or there is agreement about an order for the payment of legal costs, costs are assessed under a specific scale set out in the Court Rules.

Previously, the Local Court Rules provided for discretion to award costs at a percentage of the Supreme Court Scale, up to 100 per cent of the Supreme Court Scale. Guidelines were provided, based on the value of the claim (claim of \$5,001 to \$10,000 – 50%; claim of \$10,001 to \$50,000 – 80%; claim of \$50,001 to \$100,000 – 100%).

The amendments have changed this. Now, costs are generally to be allowed at 100% of the Supreme Court Scale; and the value of the claim is immaterial.

For further information please get in touch with our lawyers at

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