

CRIMINAL PROCEDURE ACT 2009 - SECT 400

Right to be heard

(1) Subject to subsection (2), the court must not make an order awarding **costs** against a person without giving that person a reasonable opportunity to be heard.

(2) Subsection (1) does not apply to an order for **costs** made on the hearing and determination of a charge in the absence of the accused in accordance with Division 10 of Part 3.3.

CRIMINAL PROCEDURE ACT 2009 - SECT 401

Costs in Magistrates' Court

(1) Unless otherwise expressly provided by this or any other Act or by the rules of court, the costs of, and incidental to, all criminal proceedings in the Magistrates' Court are in the discretion of the court and the court has full power to determine by whom, to whom and to what extent the costs are to be paid.

(2) In exercising its discretion under subsection (1) in a criminal proceeding, the Magistrates' Court may take into account any unreasonable act or omission by, or on behalf of, a party to the proceeding that the court is satisfied resulted in prolonging the proceeding.

(3) If the Magistrates' Court strikes out a charge under [section 14\(3\)](#), the court may award costs against the informant.

(4) This section and [section 410](#) apply to a purported proceeding in the Magistrates' Court which is beyond the jurisdiction of the court as if the purported proceeding were within jurisdiction.

(5) If the Magistrates' Court determines to award costs against an informant who is a police officer, the order must be made against the Chief Commissioner of Police.

MAGISTRATES' COURT ACT 1989 - SECT 105

Costs

(1) If an arbitration relates to a **complaint** under which monetary relief is sought and the Court awards a **party** less than \$500, the Court must not award costs unless satisfied that special circumstances make it appropriate to do so.

(2) Subject to subsection (1), the Court may, in accordance with the regulations or, if there are no relevant regulations, then in accordance with the Rules, award costs to a **party** in respect of an arbitration under this Division.

MAGISTRATES' COURT ACT 1989 - SECT 131

Costs to be in the discretion of the Court

(1) The costs of, and incidental to, all **proceedings** in the Court are in the discretion of the Court and the Court has full power to determine by whom, to whom and to what extent the costs are to be paid.

(2) Subsection (1) applies unless it is otherwise expressly provided by this or any other Act or by the Rules or the regulations.

(2A) In exercising its discretion under subsection (1) in a **proceeding**, the Court may take into account any unreasonable act or omission by, or on behalf of, a **party** to the **proceeding** that the Court is satisfied resulted in prolonging the **proceeding**.

(2B) The Court must not make an order awarding costs against a **party** in the exercise of its discretion under subsection (1) on account of any unreasonable act or omission by, or on behalf of, that **party** that the Court is satisfied resulted in prolonging the **proceeding** without giving that **party** a reasonable opportunity to be heard.

(2C) If the Court determines to award costs against an informant who is a **police officer**, the order must be made against the Chief Commissioner of Police.

(3) If—

(a) a charge-sheet containing one or more charges is filed with a **registrar**; and

(b) no filing fee is payable because of an exemption contained in the regulations; and

(c) the **accused** is convicted of one or more of the alleged offences and is **ordered** to pay a **fine**— the Court must **order** the **accused** to pay by way of costs, in addition to the amount of the **fine** and any other costs, the amount of the filing fee that, but for the exemption, would have been payable.

(4) This section and **section 132** apply to a purported **proceeding** in the Court which is beyond the jurisdiction of the Court as if the purported **proceeding** were within jurisdiction.

Note; See section 17D(1)(b) to (d) of the **Supreme Court Act 1986** .