



### Legal Costs

Last Update: July 2014

#### Contents

The recovery of investigation costs .....	1
Costs under Proceeds of Crime Act 2002 and Customs Act 1901, s243B.....	1
Professional costs .....	1
Costs in discontinued proceedings .....	1

#### The recovery of investigation costs

1. Investigation costs are not recoverable in successful prosecutions under section 21B of the *Crimes Act 1914* and accordingly, the CDPP does not seek orders in relation to the recovery of investigation costs.

#### Costs under Proceeds of Crime Act 2002 and Customs Act 1901, s243B

2. The CDPP normally seeks costs in Proceeds of Crime Act and Customs Act applications and matters.
3. A Practice Group Leader has the discretion not to seek costs if he or she considers it would not be appropriate.

#### Professional costs

4. Professional costs may also be sought in summary matters where local law and practice permits.
5. In keeping with accepted practice, the Crown will not seek professional costs when successful in:
  - proceedings on indictment, including guilty pleas; or
  - appeals, whether against conviction or sentence, emanating from trials on indictment, and will oppose an order for costs in favour of a successful defendant:
    - in proceedings on indictment; or
    - in appeals emanating from trials on indictment.

#### Costs in discontinued proceedings

6. Where the power under section 9(5) of the DPP Act is exercised to take over a “private prosecution” the Director will be deemed for all purposes to be the prosecutor, informant or complainant, as the case requires (see section 14(2), DPP Act).
7. If the prosecution is discontinued, the Director may become liable for costs.
8. The CDPP should oppose an application by the defendant for costs in such circumstances, unless local reasons make this impractical or inappropriate. In any submission to the Director recommending that a private prosecution should be taken over with a view to the prosecution being discontinued, the submission should address any potential for costs to be awarded against the Director if the prosecution is taken over and then discontinued.