

Guidelines on the award of costs



1 Pursuant to section 112(c) of the *Judicial Commission of Victoria Act 2016 (JCVA)*, the award of reasonable legal costs for an officer who is the subject of a complaint which results in a hearing by an investigating panel is a matter for the discretion of the Commission or the investigating panel. As a general guide, the Commission is favourably disposed to the award of reasonable legal costs for officers who are the subject of hearings.

2 Officers may apply to the Commission or an investigating panel for the award of costs to be determined prior to a hearing being conducted.

3 In exercising its discretion to award reasonable legal costs to an officer under section 112(c) of the JCVA, the main criteria the Commission or the investigating panel should consider include:

- a. is the matter likely to affect the individual's rights or interest?
- b. would the award of costs enhance procedural fairness?
- c. would the award of costs be just in all of the circumstances?

4 In assessing whether an officer's legal costs are reasonable, the Commission or the investigating panel should consider whether the legal costs bear a reasonable relationship to the value, importance and complexity of the subject matter in issue.