



## **Practice Direction**

**No. 10 of 2012**

### **CIVIL MEDIATION PROGRAMME**

#### **Background**

Practice Direction 6 of 2007 created a mediation pilot programme for certain defended civil proceedings at the Magistrates' Court of Victoria (the Court) at Broadmeadows. In Practice Direction No. 2 of 2009 the programme was extended to the Magistrates' Court at Sunshine. In Practice Direction No. 3 of 2009 the programme was extended to the Magistrates Court at Werribee. In Practice Direction No. 5 of 2009 the programme was extended to the Magistrates Court at Latrobe Valley. Since then the programme has been extended to other venues of the Court. The Purpose of this Practice Direction to extend the civil mediation program to the Court at Bendigo.

#### **Directions**

1. From the 2<sup>nd</sup> January 2013, the court will commence the programme at Bendigo for all defended civil proceedings where the amount sought in the complaint is less than \$40,000.00 or where the dispute is under the associations Incorporations Act 1981 (irrespective of the amount or matter of dispute). These proceedings will be referred to mediation pursuant to section 108 of the Magistrates' Court Act 1989.
2. The programme will involve only those complaints where a notice of Defence is filed at the Court at Bendigo on or after the 2<sup>nd</sup> January 2013
3. In addition to serving upon a defendant the complaint and two notices of defence, a plaintiff in a proceeding will serve upon the defendant a document entitled "Information About Court-Annexed Mediation", which is set out in the appendix of this Practice Direction.
4. Where a defendant seeks to defend a complaint and files and serves a notice of defence in order to do so, that person must return to the Court at the relevant Court at Bendigo at the same time as the notice of defence is filed a completed Section A, which is contained in the "Information About Court-Annexed Mediation".

This Practice Direction commences from the 2<sup>nd</sup> January 2013

Peter Lauritsen  
Chief Magistrate,  
Date: 7 December 2012