



Magistrates' Court
of Victoria

Practice Direction

No. 7 of 2007

PRE-ISSUE MEDIATION

Background

On 21 December 2004 the Chief Magistrate issued Practice Direction No 13. of 2004 dealing with pre-issue mediation. On 21 September 2007 the Chief Magistrate issued Practice Direction No. 6 of 2007 dealing the mediation pilot programme at the Court at Broadmeadows. The purpose of this Practice Direction is to extend the mediation pilot programme at the Court at Broadmeadows to include pre-issue mediation.

Directions :

1. From 1 October 2007, the parties to any civil dispute, which would come within the jurisdiction of the Magistrates' Court of Victoria and could be issued out of the Court at Broadmeadows, may request a mediation using the services of the Dispute Settlement Centre of Victoria. Any mediation will be held at the Court at Broadmeadows during business hours.
2. If the mediation does not result in a resolution of the dispute and proceedings are issued in the Court at Broadmeadows and upon receiving written notification that the pre-issue mediation has not resulted in a resolution of the dispute the Court will do the following:
 - a. not refer the proceeding to a pre-hearing conference or a further mediation unless all of the parties request the Court to do so;
 - b. at the request of the parties, list the proceeding for a final hearing at the earliest available date for a case of the length of duration estimated by them;
 - c. on the day of listing, ensure that the proceedings are reached by giving it priority over all other proceedings listed for trial that day apart from proceedings which are part heard provided that the duration estimate remains unchanged.
3. Unless the court orders otherwise, the costs of the pre-issue mediation will be costs in the cause.
4. This Practice Direction operates from **1 October 2007**.

IAN L GRAY
Chief Magistrate
26 October 2007