



## Magistrates' Court Victoria

### Practice Direction

No. 8 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. Since then the programme has been extended to other venues of the Court. The Purpose of this Practice Direction is to extend the civil mediation program to the Court at Korumburra

### Directions

1. From the 2<sup>nd</sup> January 2013, the court will commence the programme at Korumburra 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 Korumburra 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 Korumburra 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

## **Appendix to Practice Direction 8 of 2012**

### **Information About Court-Annexed Mediation**

*This document is for people served with a claim for money or compensation or other relief in the Magistrates' Court. It is to be attached to the claim and to the Notices of Defence and served with them.*

#### **What is this Notice About?**

Changes are being made at the Magistrates' Court of Victoria at Korumburra, to better meet the needs of people involved in civil disputes. From 2 January 2013, all defended civil proceedings:

- where the amount sought in the complaint is less than \$40,000 or
- a dispute under the Associations Incorporation Act

will be referred to mediation pursuant to section 108 of the Magistrates' Court Act 1989.

If you choose to defend your case, this will apply to you.

#### **What is Mediation and How Does It Work?**

Mediation is an informal problem-solving process. You and the others involved in the dispute (called "the parties") meet together and with the guidance of skilled impartial mediators discuss the issues in dispute. The parties are helped to identify options, consider solutions and work toward a mutually acceptable agreement. The dispute is only settled if all of the parties agree to the settlement.

#### **Why Use Mediation?**

Mediation offers a speedier and less expensive method of resolving disputes. Experience has shown that mediation is a very successful way of resolving disputes. Even in those cases where the parties believed that their positions were so far apart that mediation was pointless, experience has shown that resolutions are achieved and people are satisfied afterwards.

#### **Who Will Conduct the Mediation?**

The mediator for your proceeding will be provided by the Dispute Settlement Centre of Victoria (DSCV). The DSCV is part of the Department of Justice, Victoria. It provides a confidential dispute resolution service throughout Victoria and has been operating since 1987 resolving thousands of disputes using mediators and its Disputes Advisory Service.

At Korumburra, it is expected that DSCV mediators will be legally qualified as well as being trained and gazetted by the Victorian Government as a mediator. Unlike a court hearing, the mediator has no decision-making power.

#### **Will the Mediation be Private?**

The mediation will take place at the Court in private and what is said is confidential. Evidence of anything said or done during a mediation cannot be given in a later hearing unless all the parties agree in writing.

#### **Do I Pay for the Mediator and the Venue?**

No. The Mediator and the venue are provided at no cost to the parties.

**SECTION A**

**Court Number Ref:** .....

**Your details:**

**Title, Given Name & Family Name.** .....

**Address:** .....

.....

.....

**Male / Female** .....

**Contact Telephone Number** ..... *Home*

..... *Work*

..... *Mobile*

..... *e-mail*

..... *Fax Number*

**Do you need an Interpreter?** Interpreters are arranged by the DSCV at no cost

**Yes / No**

**If Yes, what language and / or dialect ?** .....

**Are you Represented by a Legal Practitioner?**

**Yes / No**

Name of Person .....

Name of Organisation .....

Telephone Number .....

**Magistrates' Court of Victoria, Korumburra Tel: 5658 0200**  
**Dispute Settlement Centre Victoria Tel: 1800 658 528**