



Magistrates Court of Western Australia

WARDEN'S COURT

Practice Direction Number 4 of 2023

1. This Practice Direction applies to matters listed in the Warden's Court and to matters where the Warden is sitting administratively in Mount Magnet in Western Australia.
2. The purpose of this Practice Direction is to assist in the efficient, expeditious and fair determination of disputes in the jurisdiction.
3. In order to better manage proceedings, from the date of this Practice Direction all Part IV and Part V Proceedings, lodged with the Mining registrar for hearing before the Warden sitting at Mount Magnet will be listed for necessary hearings and case management mentions (Mention) before the Mining Warden at Mount Magnet **sitting in Perth**.
4. Any existing Part IV and Part V Proceedings listed for mention or hearing in Mount Magnet at any point from the date of this Practice Direction, are, pursuant to Regulation 170(1) & (2) and Regulation 152(1)(a)(i) of the Mining Regulations 1981 WA, hereby listed for their next mention or hearing dates, and all mention or hearing dates henceforth, before the Mining Warden at Mount Magnet **sitting in Perth**.
5. Subject to any direction of the Warden, any party to a proceeding that resides outside of the Perth metropolitan area and who is not represented by a legal practitioner or duly authorised agent in Perth, may appear by audio link. If not already granted, the party may seek an order from the Warden by advising the Warden's Court Officer, DMP, Minerals House, 100 Plain St, East Perth, WA 6004, or by email to wardens.officer@dmp.wa.gov.au, seeking the order and providing contact details no less than 7 days prior to a mention or hearing date. Where an order has already been made for an audio link, parties are still required to advise the Warden's Court Officer, DMP, Minerals House, 100 Plain St, East Perth, WA 6004, or by email to wardens.officer@dmp.wa.gov.au of their contact details 7 days prior to the mention or hearing date.
6. Where an audio link is granted, the party must be available from at least 9.30 am until called on the day of the mention. A failure to answer when the court calls will be taken as a non-appearance, and the matter will be dealt with in the party's absence.
7. All parties to proceedings before the Mount Magnet Warden who wish to adjourn any mention hearing by consent must file their minute of proposed consent orders with the Mount Magnet Mining Registrar by no later than 4pm at least 3 days before the mention or hearing date.
8. Any party to a proceeding who intends to appear at a Mention by audio link must be in a suitable place to facilitate an audio link to ensure there is no unnecessary difficulty in communication.

9. In the event the venue for the final hearing of any Part IV or Part V Proceedings or proceedings before the Warden's Court is in issue, the venue for the final hearing, or the conduct of a ballot will be determined by the Warden in Perth after hearing from the parties.
10. For the avoidance of doubt, parties are advised that the sitting Perth Wardens are empowered to conduct hearings and or ballots in the regions as might be required, or desired, in any particular case.
11. The prescribed procedures for the lodging of Part IV and Part V Proceedings and proceedings before the Warden's Court under the provisions of the Mining Act and Regulations, are not affected by this Practice Direction.
12. This Practice Direction takes effect from 1 October 2023.

A handwritten signature in black ink, appearing to read 'Steven Heath', with a long horizontal flourish extending to the right.

Steven Heath
Chief Magistrate

Dated: 28/9/23