



Magistrates Court of Western Australia

WARDEN'S COURT

Practice Direction Number 5 of 2022

1. This Practice Direction applies only to matters listed in the Warden's Court and to matters where the Warden is sitting administratively, as it sits in Perth, Western Australia. It does not apply to other fields.
2. The purpose of this Practice Direction is to assist in the efficient, expeditious and fair determination of disputes in the jurisdiction.

Miscellaneous Matters

1. In circumstances where it appears, on the face of the record, that a singular firm or entity is acting for both sides in a particular matter, or is acting on a matter where what may appear to be a related or associated entity is also acting (eg, a law firm acts for one side of the dispute, and a tenement management company acts for the other, in circumstances where there appears to be an association between those two entities), the Court requires written confirmation, in each case where this occurs, detailing the appropriate steps have been taken by the parties' representatives involved, to ensure that there is no conflict, in respect of each such matter.
2. In all circumstances the Warden hearing a matter reserves at all times the capacity to seek further information as might be required to ensure that there is no prejudice to the administration of justice arising from a possible perception of a conflict of interest by the persons involved, to observing parties, from what might appear on its face to be a commonality of representation.

Related Party Objections

3. In a matter where it appears that an objecting party to an application is a related party in a corporate sense, to the applicant for a mining tenement, the parties to the dispute are required to provide, prior to the hearing of the first mention of any such application, a detailed explanation as to why it is that the matter ought not be immediately listed for mediation or determination.
4. It is accepted that there are some limited circumstances which might be considered to be an appropriate basis for a subsidiary of an entity to object to a parent company's application or vice versa, however those circumstances are exceptional. In general it should not occur.

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5. Where it is the case, that it appears that a subsidiary entity is objecting to a parent or vice versa on an application, and there appears no reasonable basis for the prolongation of the particular dispute, the matter will either be the subject of an immediate order for mediation or an expedited listing.
 6. Similarly, in any matter where the Warden forms a view that the intent of an application or objection appears on its face to be inconsistent with the objects and purposes of the Act, the matter may be the subject of an immediate order for mediation or an expedited listing.



Steven Heath
Chief Magistrate

Dated: 4/4/22