



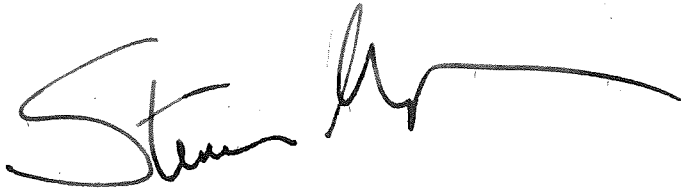
## Magistrates Court of Western Australia

### WARDEN'S COURT

## Practice Direction Number 3 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 Karratha, Meekatharra and Marble Bar 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, all Part V Proceedings, lodged with a Mining registrar for hearing before the Warden sitting at Karratha, Meekatharra and Marble Bar (as the case may be), will be listed for necessary hearings and case management mentions (Mention) before the Mining Warden at Karratha, Meekatharra and Marble Bar **sitting in Perth**.
4. Any existing Part V Proceedings listed for mention or hearing in Karratha, Meekatharra and Marble Bar 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 Karratha, Meekatharra and Marble Bar **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](mailto: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](mailto: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 Karratha, Meekatharra and Marble Bar Warden who wish to adjourn any mention hearing by consent must file their minute of proposed consent orders with the Karratha, Meekatharra and Marble Bar Mining Registrar (as the case may be) 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 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 Warden's 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 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: 19/9/23