



**Magistrates Court of Western Australia**

**WARDEN'S COURT**

**Practice Direction Number 6 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.

**Mediation**

1. Consistent with the approach taken in all Courts generally in relation to the conduct of commercial matters, parties are to be encouraged to mediate commercial disputes as much as possible.
2. In this context the Perth Warden's Court will facilitate requests for the conduct of mediation by parties who make them, where possible.
3. This facilitation will occur in the context of a matter being referred for mediation before a Warden prior to the matter being listed for trial.
4. A Warden hearing a request to list a matter for trial pursuant to Practice Direction No. 3 of 2022 may also refer a matter to mediation before a Warden.
5. Any mediation which occurs before a particular Warden, which is unsuccessful, will result in the circumstance where the conduct of any subsequent hearing occurs before a different Warden.
6. Noting the effect of Practice Directions No.'s 1 and 2 of 2022, it may be anticipated that the parties will have completed all of the necessary evidentiary steps in relation to the preparation for the conduct of a hearing of a matter, namely, the provision of particulars, evidence and submissions.
7. In those circumstances, prior to a mediation date being attended, the parties are also required to provide, no later than seven days prior to that mediation date, a concise one-page statement as to the position of the party at mediation.
8. The concise one-page statement is provided on a without prejudice basis for the purposes of mediation.

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9. The parties are then to attend a mediation before the Warden in company with either the party itself, or an officer of the party capable of resolving the matter.
  10. A Warden hearing a mediation, and who forms a view that one or more of the parties are not engaging in the mediation in good faith, may, in his or her absolute discretion, transmit a report to the Warden conducting any subsequent hearing, after the delivery of reasons in that matter, a report to that effect.
  11. Save in respect of clause 10 hereof, any mediation and any associated correspondence or dealings, are to be conducted on a without prejudice basis.



Steven Heath  
**Chief Magistrate**

Dated: 4/4/22