

Local Court Act
PRACTICE DIRECTION

COSTS OF MEDIATION

The following practice direction is issued pursuant to section 21 of the *Local Court Act* and will apply from 1st June 1998.

BACKGROUND

With the advent of the amended Local Court Rules and the power of the Court to refer the matter to mediation a question has arisen over the costs of that mediation. The question is who will bear the costs of the mediation should it fail and the matter continue to hearing? Are those costs of the mediation a cost recoverable as a cost of the litigation?

PROCEDURE

It is in the discretion of the Court to decide whether the costs of the mediation are claimable however as a guideline those costs will not be claimable. Each party will bear their own costs of the mediation unless the court otherwise orders.

It will be up to the successful party to convince the Magistrate presiding that those costs should be part of the costs in the cause.

HUGH BRADLEY
CHIEF MAGISTRATE

1 June 1998