In the Supreme Court of the Australian Capital Territory

Date:

**ORDERS FOR MEDIATION – Week commencing**

1. Pursuant to Rule 1179 of the *Court Procedures Rules 2006*, the matter is referred to mediation.
2. **Obligations of the parties to the proceeding**
3. Each party must attend the mediation in person and complete the mediation.
4. Each party is to have **present in person** at the mediation a person who has authority to give final agreement to a settlement proposal within any range that can be reasonably anticipated. If an insurance company is involved on behalf of any party the insurance company is required to have present in person, its Claims Manager or an officer of the Claims Manager’s Office with that authority.
5. Each party must take part in the mediation genuinely and constructively in accordance with Rule 1180.
6. Failure to comply with this order may result in an adverse costs order.

NOTE: See Rule 1181 and also see *In the Matter of Staway Pty Limited (In Liquidation) (Receivers Appointed) [2017] NSWSC 485 (7 April 2017)*).

1. The MEDIATION AGREEMENT accompanying these orders must be signed and returned to the Registry by **Friday, .**
2. The parties must provide the MEDIATOR with the parties’ POSITIONS PAPER by . The positions paper must not be more than 5 pages in length and must be sent to the mediator **electronically** at the email address provided on page 2 of these orders. Do not send hard copies of documents to the mediator.   
   The mediator will indicate if they require any additional material, including mediation bundles, (to be sent electronically) prior to mediation.
3. **Costs**
4. The costs of the mediation are to be costs in the cause.
5. The mediator’s fees are payable by each separately represented party in equal shares.
6. The mediator’s fees are to be paid directly to the mediator by the parties by . Parties must email their details, including details of the matter (court file number) to the mediator upon receipt of these orders so the invoices can be generated.
7. Each party must INFORM THE REGISTRY as soon as it has paid its share of the mediation fee – the date paid and the amount paid – by email, copying in the other parties, to [SCDR@courts.act.gov.au](mailto:SCDR@courts.act.gov.au). Failure to comply with this order will have the matter placed in a non-compliance list. See below (6).
8. The matter will be listed on **Monday, at 10am** before the Registrar with a view to ensuring that these orders have been complied with. In the event that parties have not complied with these orders, parties will be required to appear and an adverse costs order may be made against you or your client. In the event that parties have complied with these orders and they have advised the court accordingly, the listing will be vacated.

**Mediation week - commencing Monday, 2023**

Mediator appointed by the Court under rule 1177:

Mediator:

Contact:

Bank details:

Account number:

**Parties are to send the mediator an email when the matter is allocated a mediation listing in order that the mediator can generate an invoice. It is also incumbent upon the parties to ensure that, when paying the mediator’s fee, the mediator can identify who has made which payment.**

Fee: $1800 (incl GST) per half day mediation

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**Total fee $1800.00**

2 parties = $900.00 each

3 parties = $600.00 each

4 parties = $450.00 each

5 parties = $360.00 each

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**Supreme Court Mediation Feedback**

Mediation is directed by the Supreme Court to give the parties an opportunity to resolve their dispute without the need for an often longer and more expensive formal Court hearing. Parties are expected to attend the mediation in good faith and to take part genuinely and constructively in an attempt to resolve the matter. It is in the interests of the Supreme Court that the quality of the mediation process is satisfactory to the parties. The following survey has been designed to provide feedback to the Court for this purpose. Your participation is encouraged and appreciated.

Jayne Reece, Registrar, ACT Supreme Court

The survey can be accessed at:

[www.courts.act.gov.au/SCmediationfeedback](http://www.courts.act.gov.au/SCmediationfeedback)