

# SUPREME COURT OF TASMANIA

## CIRCULAR TO PRACTITIONERS

No. 2 of 2013

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### MEDIATION SERVICES

The Supreme Court's mediation services are regulated by the *Alternative Dispute Resolution Act 2001* and the *Supreme Court Rules 2000* Part 20.

The Court will facilitate parties' access to appropriately qualified and experienced Court-appointed mediators and conciliators, some of whom are consultant mediators, some of whom are mediators on the Court's staff.

The mediation fee (currently \$500) prescribed in the *Supreme Court Rules 2000* Schedule 2 is payable on the appointment of a mediation if the mediator is an employee of, or otherwise engaged by, the Supreme Court. The rationale behind the fee being payable on booking is to avoid late cancellations.

No additional charge is payable if a mediation is adjourned part-heard by the mediator to a subsequent date.

The cost of Court-appointed mediations is payable in equal proportions by the parties, or in such proportions as the parties agree or the Court directs. Upon the appointment of a mediation date by the Registrar or District Registrar, an invoice will be forwarded to all parties for an amount reflecting their respective shares of the cost.

The mediation charges are costs in the cause and may be recovered by the successful party from the other party or parties proportionally depending on the outcome of the conciliation or ultimate trial.

In the event that the mediation charge has not been paid at least 7 days prior to the appointed mediation, the Court will have no other option but to cancel the mediation.

Any cancellation of a mediation booking by the parties less than 7 days prior to the scheduled mediation date will attract a cancellation charge, being a forfeit of the mediation fee payable. The cancellation charge will not be imposed if cancellation results from a reason that was not reasonably foreseeable at the time of booking.

This Circular to Practitioners replaces Circular 5/2005.

J A Connolly  
REGISTRAR