



Notice to the Profession

The Chief Justice has authorised the issue of the following notice.

New SCV Mediation Centre

1. The new SCV Mediation Centre on Level 6 of the William Cooper Justice Centre, 223 William Street will be ready for use from 15 May 2023. This will enable the Court to resume in-person mediations. The new facilities also support hybrid mediations with a mixture of in-person and online attendance. Fully online mediations will also remain an option.
2. In-person mediations of circuit matters will resume from 15 May 2023.
Determining the mode of mediations - judicial mediations and mediations conducted by Deputy Prothonotaries
3. The following process will be adopted to determine the mode of judicial mediations and mediations conducted by Deputy Prothonotaries.
4. Parties should consider how the mediation is to be conducted (in-person, online or hybrid), and if they agree about the mode of mediation, notify the chambers of the judicial officer who will be making the mediation order.
5. If the mediation order does not provide for the mode of mediation, the Court's ADR Centre (**ADR Centre**) will list the mediation as an in-person mediation.
6. If, after the mediation order is made, the parties agree that the mediation is to be conducted in a way that differs from in-person mediation (that is, online or hybrid), they should inform the ADR Centre by sending an email to adrcentre@supcourt.vic.gov.au as soon as agreement is reached. The parties should give reasons for the proposed change to the mode of mediation. Where there is no agreement, any party wishing to have the mediation conducted other than in-person should notify the ADR Centre by sending an email to adrcentre@supcourt.vic.gov.au. The party should give reasons for the proposed change to the mode of mediation.
7. The matters that may be taken into account when determining the appropriate mode of mediation include: agreement by the parties as to the mode of mediation; the complexity of the matter; whether there has been a previous mediation (and whether the mediation was conducted online, in-person or a hybrid of the two); relevant considerations specific to the mediation participants including as to health special needs, mobility and geographical location; and if mediation is urgent.

8. Usually the mode of mediation will be determined on the papers. Any dispute concerning the mode of mediation will be determined by the judicial officer who made the mediation order or, if not available, another judicial officer (other than the judicial officer before whom the mediation is listed).
9. Mediations already listed to be conducted prior to 15 May 2023 will continue to be conducted online.

Determining the mode of mediations - Costs Court mediations

10. The following process will be adopted to determine the mode of Costs Court mediations.
11. Where a summons for taxation of costs involves a party/party claim for costs over \$100,000, the summons shall be endorsed with a return date for a mediation which is to be held online, unless the parties are otherwise advised.
12. If, after the summons for taxation has been served on the respondent, the parties agree that the mediation is to be conducted in a way that differs from an online mediation (that is, an in person mediation or a hybrid model), they should inform the taxing officer before whom the mediation is listed by sending an email to the Costs Court on costs.court@supcourt.vic.gov.au as soon as agreement is reached. The parties should give reasons for the proposed change to the mode of mediation.
13. Where there is no agreement, any party wishing to have the mediation conducted other than online should notify the taxing officer before whom the mediation is listed by sending an email to the Costs Court on costs.court@supcourt.vic.gov.au . The party should give reasons for the proposed change to the mode of mediation.
14. The matters that may be taken into account when determining the appropriate mode of mediation include: agreement by the parties as to the mode of mediation; the complexity of the matter; whether there has been a previous mediation (and whether the mediation was conducted online, in-person or a hybrid of the two); relevant considerations specific to the mediation participants including as to health special needs, mobility and geographical location; and if mediation is urgent.
15. Usually the mode of mediation will be determined on the papers. Any dispute concerning the mode of mediation will be determined by a judicial officer or Costs Registrar other than the judicial officer or Costs Registrar before whom the mediation is listed.

Requirements for online participation

16. Online participants are required to participate in the mediation with an appropriate device such as a desktop computer or laptop computer with a camera and a reliable internet connection. One device per person is encouraged. Participants must be in a confidential environment with no distractions.

Viv Mahy
Executive Associate to the Chief Justice
21 April 2023