

**NORTHERN TERRITORY OF AUSTRALIA**

**SUPREME COURT AMENDMENT (MEDIATION) ACT 2010**

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**Act No. 4 of 2010**

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# NORTHERN TERRITORY OF AUSTRALIA

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## Act No. 4 of 2010

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An Act to amend the *Supreme Court Act*

[Assented to 17 March 2010]  
[Second reading 26 November 2009]

The Legislative Assembly of the Northern Territory enacts as follows:

**1 Short title**

This Act may be cited as the *Supreme Court Amendment (Mediation) Act 2010*.

**2 Commencement**

This Act commences on the date fixed by the Administrator by *Gazette* notice.

**3 Act amended**

This Act amends the *Supreme Court Act*.

**4 New section 83A**

After section 83

*insert*

**83A Mediation**

(1) If the Court considers it appropriate, the Court may direct that a civil proceeding be set down for mediation to explore the possibility of:

(a) settling the proceeding; or

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- (b) resolving a particular issue in the proceeding.
- (2) The appointment of a mediator for a civil proceeding, and procedures relating to the mediation, must be in accordance with the Rules.
- (3) The Rules may provide for any of the following to be appointed to be a mediator for a civil proceeding:
- (a) a Judge;
  - (b) the Master;
  - (c) a Registrar;
  - (d) a person with suitable qualifications for conducting mediation.
- (4) The Rules may also provide for the appointment of 2 mediators for a civil proceeding, to mediate jointly.
- (5) A mediator appointed for a civil proceeding must not disclose to another person any information obtained during or for the mediation except as required or authorised by law.
- (6) Evidence of anything said or done during mediation for a civil proceeding is not admissible in the proceeding or a court without the consent of the parties except to prove that a settlement was reached and the terms of the settlement.
- (7) This section does not prevent:
- (a) the Court itself from attempting to achieve a negotiated settlement of a civil proceeding or resolution of an issue in a civil proceeding; or
  - (b) the person exercising the power of the Court mentioned in paragraph (a) from taking further part in the proceeding.
- (8) However, if a Judge, the Master or a Registrar is appointed to be the mediator for a civil proceeding, and has conducted mediation for the proceeding, he or she is disqualified from taking further part in the proceeding.
- (9) A person conducting or participating in mediation for a civil proceeding has the same immunity for an honest act, or an honest and temperate statement or act, done or made during the mediation, as is conferred by the *Courts and Administrative Tribunals (Immunities) Act* on a person conducting or participating in a proceeding.