

Serial 63
Supreme Court Amendment (Mediation) Bill 2009
Ms Lawrie

A Bill for an Act to amend the *Supreme Court Act*

NORTHERN TERRITORY OF AUSTRALIA

SUPREME COURT AMENDMENT (MEDIATION) ACT 2009

Act No. [] of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2009

An Act to amend the *Supreme Court Act*

[Assented to [] 2009]
[Second reading [] 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 2009*.

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.