



Magistrates Court of Western Australia

WARDEN'S COURT

Practice Direction Number 3 of 2022

1. This Practice Direction applies only to matters listed in the Warden's Court and to matters where the Warden is sitting administratively, as it sits in Perth, Western Australia. It does not apply to other fields.
2. The purpose of this Practice Direction is to assist in the efficient, expeditious and fair determination of disputes in the jurisdiction.

Trial Allocation Day

1. As referred to in Practice Direction 1-2022, the mention lists on Friday are to be utilised by parties to either take the time provided to resolve the dispute in a commercial way or, alternatively, take the necessary steps to file all particulars, evidence and submissions required to ensure that the matter can be the subject of a hearing or trial as might be required.
2. It is only upon the completion of all the evidentiary steps required that the parties will be permitted to seek the matter be listed for hearing and/or trial.
3. To facilitate same, once the parties have completed all the necessary steps in terms of evidence, particulars and submissions, the parties shall apply to the Warden sitting in the mention list, on the first mention day following the completion of the relevant steps, for the transmission of the matter into the trial allocation list.
4. The trial allocation list will occur, where possible, on the first Monday of every month.
5. The trial allocation list will exist to ensure the timely listing of matters into available dates which might either become available for the conduct of hearing or, alternatively, fix a date into the future for the conduct of a matter.
6. In order to facilitate the efficient management of the trial allocation list days the parties are to provide, in the attached form, relevant information pertaining to the requirements for the conduct of any hearing or trial.
7. That information is to address the following particulars matters:
 - a) The number of witnesses to be called by each party;
 - b) The estimated hearing days required for the conduct of the matter;
 - c) Whether the parties are appearing by counsel or in person; and

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- d) Whether there are any matters of particular complexity involved in the conduct of the hearing;
 - e) The parties' unavailable dates for a period of six months from the date of the first trial allocation date.
8. The current Warden's Court list, as at the date of this Practice Direction consists of approximately 1500 matters.
 9. The implementation of a new listing structure and case management is intended to seek to alleviate the backlog of matters which currently exist, where matters are not being heard in as timely a manner as might be considered appropriate.
 10. It is also apparent that in circumstances where trial and hearing matters are set, however resolve immediately prior hearing, that hearing days are then lost for want of capacity to substitute a matter which is otherwise ready for hearing.
 11. It follows that in the event that listing date becomes available for a matter that the parties must be prepared to take the necessary steps to conduct the hearing at short notice. In this respect all available efforts will be made to ensure that listings will occur on the available dates for witnesses.
 12. At the trial allocation date the Warden sitting may also refer matters, over the objection of the parties, to mediation prior to the listing of a trial.



Steven Heath
Chief Magistrate

Dated: 4/4/22

LISTING CERTIFICATE

TRIAL ALLOCATION DATE []	Perth Wardens Court Number:
Parties	[Applicant] -and- [Objector]

1) NUMBER OF WITNESSES TO BE CALLED BY THE PARTY PROVIDING THE CERTIFICATE:

Witness name	In person or no (if no, confirm what arrangements have been made)

2) ESTIMATE OF HEARING TIME REQUIRED: [] Days

3) PARTY APPEARING BY COUNSEL OR IN PERSON: []

4) UNAVAILABLE DATES OF WITNESSES (For 6 months from the date of this Certificate):

- a. Month / Day
- b. Month / Day

5) REQUIRED CONFERRAL ON AN AGREED STATEMENT OF FACTS AND EVIDENCE

- a. Have the parties conferred in respect of the provision to the Court of an Agreed Statement of Facts:

Yes No

If "no", provide an explanation as to why not:

b. Will an Agreed Statement of Facts be provided for the conduct of the hearing:

- Yes No

If "no", provide an explanation as to why not:

c. Have the parties conferred in respect of the provision of a paginated, indexed agreed bundle of documentary evidence?

- Yes No

If "no", provide an explanation as to why not:

d. Will a Bundle of Documents be provided for the conduct of the hearing:

Yes No

If "no", provide an explanation as to why not:

6) CONTACT DETAILS

Solicitor	
Direct phone number	
Email	

7) CERTIFICATION

- a. I am the solicitor with the conduct of this matter.
- b. I certify that:
 - i. in all respects the matter requires a hearing, and the matter is ready for hearing; and
 - ii. the answers in this certificate are correct to the best of my knowledge and instructions and I undertake that I will inform the Court as soon as is reasonably practicable after I become aware of any material change in circumstances.

Signature

Date