



# SAT

State  
Administrative  
Tribunal

Western Australia

## **DEVELOPMENT AND RESOURCES STREAM MEDIATION INSTEAD OF DIRECTIONS HEARING**

The Tribunal encourages the use of mediation to resolve disputes or to identify and narrow issues. About 75% of applications in the development and resources stream are resolved by facilitative dispute resolution, principally mediation. This avoids parties having to participate in a final hearing or decision on documents in which the Tribunal would impose a win/loss result. Facilitative dispute resolution is also likely to be quicker and cheaper.

Mediation is a private and confidential process facilitated by a SAT member who is also a trained mediator. If a matter is not resolved by mediation, then the member who mediated it may not be involved in the determination of the matter, unless all parties agree.

Parties are encouraged to contact one another well before the first directions hearing to discuss whether their matter is amenable to mediation. If the parties jointly write to the Tribunal **at least two days before the directions hearing** and request that their matter be referred directly to mediation without having to attend the directions hearing, then the Tribunal will consider the request. If the Tribunal agrees that the matter should go directly to mediation, it will advise the parties of the mediation date and any programming orders, and the parties will not have to come to the directions hearing. However, if the parties do not receive a response from the Tribunal to their request, then they should attend the directions hearing at the appointed time.

The parties should advise the Tribunal in their letter of mutually available dates for mediation, the location where they suggest that the mediation should take place (usually at SAT or on site) and any programming orders that should be made to maximise the prospect of success. For example, unless the issues in dispute are clear, the Tribunal usually requires the respondent to file and give to the applicant a statement of issues for mediation or, in complex cases, a statement of issues, facts and contentions, before the mediation. Where appropriate, the Tribunal may also invite councillors, officers of relevant authorities or other people to participate in the mediation. The parties should bring anyone who can assist in the discussion of issues to the mediation, but should advise the Tribunal and each other of the people who will attend in advance of the mediation.

For further information about directions hearings and mediations see SAT's pamphlet *Information about class 2 planning applications* or telephone the Tribunal on 9219 3111 or 1300 306 017 (country callers).