

27 NOV 2015
BY:



Submission No. 12

Magistrates' Court
Victoria

Chief Magistrate's Chambers
Melbourne Magistrates' Court
233 William Street
Melbourne, Vic 3000

25 November, 2015

Ms Eve Gallagher
Community Law Reform Manager
GPO Box 4637
Melbourne 3001

GPO Box 882
Melbourne, Vic 3001
(Ausdoc 350080)

Dear Ms Gallagher

Re: Funeral and Burial Instructions Consultation Paper November 2015

I note that reference is made in chapter 8 of the Paper to the Magistrates' Court of Victoria as a possible jurisdiction for the resolution of funeral and burial disputes.

The purpose of this letter is to inform the Law Reform Commission that the Court considers itself to be well-placed to hear and determine such disputes having regard to the relatively low costs of litigation in this court and the speed at which it is able to deal with the cases in its civil list compared to those in other jurisdictions.

More particularly, however, I wish to bring to the attention of the Commission the fact that this Court has in place well-established alternative dispute resolution processes which include referrals to mediation and, as well, pre-trial conferencing conducted in the Court by experienced Court Registrars.

Mediators, to whom a mediation reference may be made, include Court Registrars as well as approved mediators from the legal profession and from the Institute of Arbitrators and mediators Australia. In addition, the Court, constituted by a Magistrate, conducts a process known as Early Neutral Evaluation. That process involves hearing a statement of the relevant evidence and principles of law from each party to a dispute, the facilitation of discussions between the parties after those statements have been made and when required, an indication by the magistrate of the likely outcome of the dispute if it proceeds to trial.

Yours faithfully

Peter Lauritsen
Chief Magistrate