



MEDIATION

About Mediation

Mediation is a voluntary and confidential process in which a neutral third party, known as a mediator, assists disputing parties in finding common ground and reaching a mutually beneficial agreement. Unlike a judge or an arbitrator, a mediator does not impose decisions but instead guides the participants towards a resolution that respects their unique interests and needs.

Mediation is a process designed to facilitate constructive dialogue and resolve conflicts in a peaceful and collaborative manner. It serves as an alternative to litigation, offering a range of benefits that make it an invaluable tool for individuals, businesses, and organizations seeking efficient and mutually satisfactory resolutions.

STATISTICS SHOW THAT ABOUT 85% OF DISPUTES ARE RESOLVED SUCCESSFULLY BY MEDIATION

Benefits of Mediation

Mediation empowers participants by giving them control over the outcome of their dispute. It promotes active participation and allows individuals to voice their concerns, interests, and creative solutions in a safe and structured environment.

Mediation fosters open communication and collaboration, allowing parties to preserve their relationships and find common ground. This is particularly crucial in disputes involving family matters, workplace conflicts, or business partnerships, where ongoing relationships are important or essential.

The process reduces stress and anxiety, providing a less adversarial environment than traditional legal proceedings.

Your Mediator

All Mediators at DisputesResolutions.com are fully qualified, nationally accredited and experienced. Your Mediator is completely independent. They will not take sides or give any advice whatsoever, whether legal or other. Their role in the mediation is to facilitate in a neutral and unbiased way, and help guide the parties to come up with your own solutions for your issues. During the mediation the mediator may identify that there is a need for further support services, such as, legal advice, or financial or other services. If that is the case, they will let you know.

Behaviour at Mediation

In order to make sure that the mediation is effective, your mediator will likely have a few ground rules, such as -

- Do not interrupt each other- If you are worried that you will forget something while the other person is speaking, please write it down. You will have an opportunity to raise it once the speaker has finished.

- **Use respectful language** - so no sarcasm, innuendo, or name calling. You will achieve more in the mediation if you are respectful to each other.
- **Use active listening** - That means, to give the person speaking your full attention, to listen, and ask questions to confirm your understanding, before responding.
- **Remain future focussed** - It will be counter-productive if the conversation gets bogged down in the past.

The Process

Each participant attends a private pre-mediation interview, typically lasting about one hour. During this time, the mediator will outline the mediation process, gain insight into the participant's concerns, ensure they can effectively communicate and negotiate in the mediation environment, and coordinate logistics such as selecting an appropriate date and time.

The joint mediation session is informal yet structured and involves all parties meeting together with the mediator. Participants will be required to sign an "Agreement to Mediate." The session is structured as follows:

- **Opening Statements:** Each party briefly presents the issues they wish to address in the mediation.
- **Mediator's Summary:** The mediator will summarize the concerns raised and establish agreed-upon Agenda for discussion.
- **Facilitated Discussion:** A collaborative dialogue on the identified issues.
- **Negotiation of Options:** Parties negotiate potential agreements.
- **Private Sessions:** Individual meetings with the mediator for each party.
- **Drafting the Mediation Agreement:** Finalizing a written 'Terms of Settlement' document based on the discussions.

Different Types of Mediation

At DisputesResolutions.com, we provide comprehensive mediation services tailored to address various types of disputes. For more detailed information about any of the mediation types listed below please email us at admin@disputesresolutions.com

Family Mediation

Family mediation is a process designed to help families resolve disputes amicably, particularly during times of transition, such as divorce or separation. A trained mediator facilitates discussions between parties to promote understanding and cooperation, enabling them to reach agreements on issues like child custody, visitation, and financial arrangements. The goal is to foster a collaborative environment that prioritizes the well-being of all family members, especially children, while reducing the emotional and financial burden of prolonged conflict.

Elder Mediation

Elder mediation focuses on resolving disputes involving older adults and their families or caregivers. This type of mediation addresses issues such as healthcare decisions, living arrangements, and financial management. The mediator works to create a safe and respectful space for open dialogue, allowing all parties to express their concerns and preferences. By facilitating communication, elder mediation helps preserve relationships and empowers older adults to participate actively in decisions that affect their lives. We at DisputeResolutions.com, also have the ability to help with placing people into retirement and aged care facilities nationally.

Workplace Mediation

Workplace mediation addresses conflicts between employees or between employees and management within an organization.

This process aims to restore working relationships and improve morale by providing a neutral setting for open communication. A mediator helps parties identify underlying issues and work collaboratively toward mutually beneficial solutions. By resolving disputes effectively, workplace mediation can enhance productivity, reduce turnover, and create a more positive work environment.

Commercial Mediation

Commercial mediation is used to resolve disputes arising from business transactions, contracts, and partnerships. This type of mediation allows businesses to address conflicts in a confidential and efficient manner, avoiding the time and expense of litigation. Mediators help parties explore their interests, clarify misunderstandings, and negotiate terms that satisfy both sides. By promoting a collaborative approach, commercial mediation can preserve business relationships and facilitate future cooperation.

Property Mediation

Property mediation involves disputes related to real estate, such as property division in divorce cases, landlord-tenant disagreements, or boundary disputes between neighbours. A mediator assists in clarifying issues and guiding the parties toward a resolution that respects their interests and rights. This process can help prevent lengthy legal battles and foster a more amicable outcome, allowing the parties to move forward without lingering conflict.

Neighbourhood Mediation

Neighbourhood mediation addresses conflicts between neighbours, often involving issues like noise complaints, property boundaries, or shared resources. This type of mediation fosters communication and understanding between parties, helping them to resolve disputes amicably. A mediator facilitates discussions that encourage empathy and compromise, aiming to restore harmony within the community. By resolving conflicts locally, neighbourhood mediation can enhance relationships and promote a sense of community among residents.

Community Mediation

Community mediation addresses disputes within a community setting, often involving multiple parties and broader social issues. This type of mediation focuses on restoring relationships and promoting community cohesion. Mediators work with individuals or groups to facilitate dialogue and find solutions that benefit the community as a whole.

Immigration Mediation

Immigration mediation assists individuals and families navigating the complexities of immigration processes and disputes. This type of mediation can help resolve issues related to visas, residency, and family reunification, allowing parties to communicate effectively with authorities and find resolutions that meet their needs.

School Mediation

School mediation is designed to resolve conflicts within educational settings, including disputes between students, teachers, and parents. Mediators help facilitate discussions to address bullying, academic disagreements, or disciplinary issues, fostering a positive school environment and promoting conflict resolution skills among students.

Environmental Mediation

Environmental mediation addresses disputes related to environmental issues, such as land use, resource management, and pollution. This type of mediation brings together stakeholders, including residents, businesses, and government agencies, to collaboratively find solutions that balance ecological concerns with economic interests.

Confidentiality

Mediation is a confidential process. What is said during mediation remains private. The mediator will not voluntarily disclose to anyone outside mediation anything said in the mediation, unless specifically authorised by the parties or unless compelled by law to do so. Participants must also agree not to disclose details discussed.

Voluntary

The mediation process is voluntary. The parties and the mediator have the right to withdraw at any time.

Authority to settle

Each party should attend the mediation with the authority to reach an agreement. If someone needs to consult others before finalizing an agreement, this should be discussed beforehand. There is opportunity for parties to contact the necessary people before any agreements are signed, if they so desire.

Agreement to Mediate

An "Agreement to Mediate" is established before mediation begins. This document is signed at the start of the process.

Agreements made during Mediation

Any agreements reached are as binding as the parties' desire. They are created in good faith to resolve the identified issues. They can be formalised through written statements, though they are not legally enforceable unless drafted by a lawyer after agreement.

How to prepare for your Mediation session

Think about what you want to say in your opening statement before you arrive. This should be brief and concentrate on the issues as you see them that have brought you to the mediation. Be ready to listen and understand the other party's view with an open mind.

Think about different ways that can resolve your dispute, the outcome you would like to achieve, what you are prepared to compromise on and the limit of what you can really afford to accept.

Be prepared to make a genuine attempt to mediate in good faith. This means communicating and having discussions honestly and fairly with the genuine aim of reaching an agreement that you and the other party can accept. It also involves behaving in an open and transparent manner and providing accurate and sufficient information to support negotiations.

Mediation Venue

Mediations can be conducted either 'in person' or 'online'. Online mediation leverages technology to facilitate mediation sessions remotely. This approach has gained popularity, especially in the wake of the COVID-19 pandemic. It allows parties to participate in mediation from different locations, increasing accessibility and convenience while still providing a structured environment for resolving disputes. We at Disputes Resolutions offer both in-person and on-line. In-person mediations are generally about 20% more expensive than on-line.

The Other Party

It takes two parties to go to mediation. You have decided that you would like to try mediation to settle your problem but you do not know whether the other side will agree or not. Don't worry, it's not your job to speak to them about it. We handle communication with the other party to explain the benefits of mediation. If the other party declines, we will inform you.

Indemnity and Limitation of Liability

The mediator cannot be held liable for any actions or inactions in fulfilling their duties, except in cases of fraud.

Why choose Mediation?

Mediation is more cost-effective than litigation, as it reduces the need for lengthy court proceedings and multiple attorney fees. It enables parties to save time, money, and emotional energy that would otherwise be spent on protracted legal battles. The biggest compelling reason to try mediation before litigation is that mediation has an excellent chance of success, 85% of all mediations are successfully resolved. This, together with the fact that mediation generally costs about 1-2% of the cost of litigation makes the decision to mediate a 'no-brainer.'

Intake

Prior to the mediation session the mediator will arrange to meet with the parties separately to discuss the proposed mediation and gather essential information. This is known as the 'Intake' phase. The meeting is generally for about an hour. The intake phase is crucial for setting the stage for effective mediation by establishing a clear understanding of the issues and the parties involved. It is also used by the Mediator to ensure that mediation is the suitable dispute resolution method for your case.

Fees

Fees for the mediation vary depending on complexity and duration. We provide transparent pricing, so you can understand the costs upfront. Costs for standard sessions are published on our website- www.disputeresolutions.com. Fees are inclusive of preparation and reading. Before the mediation is arranged, you and the other party will be emailed a payment notice for the mediation fee. Payment is required by the date stated prior to the mediation session. If payment isn't made by the due date, the mediation session will be cancelled. After payment is made cancellations will not be refunded. Fees for the 'intake' are paid separately and cost \$180 (each party).

Free Consultation

We offer a Free 15- minute consultation with an accredited mediator to advise you of your options on how best to resolve your dispute or negotiations



Contact Us

For more information or to schedule mediation, please contact us at

Email: admin@disputeresolutions.com

Phone: (+61) 0433 087 959

Website: www.disputeresolutions.com

FAQs About Mediation

What is Mediation?

Mediation is a voluntary and confidential process where a neutral third party, the mediator, helps disputing parties communicate and reach a mutually acceptable agreement.

How does mediation differ from arbitration?

In mediation, the mediator facilitates discussion and helps parties find their own solutions, while in arbitration, the arbitrator makes a binding decision for the parties.

Does mediation have a good success rate?

Yes, statistics show that 85% of all mediations are resolved.

Is mediation legally binding?

Agreements reached in mediation can be binding if both parties agree to the terms and formalize them in writing, but they are not legally enforceable unless drafted by a lawyer.

What types of disputes can be resolved through mediation?

Mediation can address a wide range of disputes, including family issues, workplace conflicts, commercial disputes, property matters, and more.

What are the benefits of choosing mediation over litigation?

Mediation is typically more cost-effective, faster, and less adversarial than litigation, allowing parties to maintain relationships and have more control over the outcome.

How long does the mediation process take?

The duration of mediation can vary based on the complexity of the issues and the willingness of the parties to cooperate. Sessions can range from a few hours to several meetings over days or weeks.

What happens if mediation is unsuccessful?

If mediation does not result in an agreement, parties can still pursue other avenues, such as conciliation, arbitration or litigation.

Do I need a lawyer to participate in mediation?

It's not mandatory or necessary to have a lawyer in mediation, but having legal advice can be beneficial, for complex disputes. Mediators can help identify when legal support may be needed.

What are the costs associated with mediation?

Mediation costs vary based on complexity and duration. Our fees are transparent and up front. Standard fees are available on our website.

Can I bring someone with me to mediation?

Yes, participants can bring support persons, such as family members or legal advisors, to provide assistance during the mediation process.

What if one party refuses to participate in mediation?

If the other party is unwilling to mediate, the mediation cannot proceed. The mediator can help communicate the benefits of mediation to the other party.

Is the mediation process confidential?

Yes, mediation is a confidential process. What is discussed during mediation remains private unless both parties agree otherwise or if disclosure is required by law.

Can the mediator provide legal advice?

No, mediators do not provide legal advice or any other advice. Their role is to facilitate discussion and help parties reach their own agreements.

What if I am not comfortable discussing certain issues?

Mediators can facilitate private sessions where sensitive issues can be discussed confidentially, allowing parties to express concerns without pressure.

How can I prepare for mediation?

It's helpful to identify your goals, gather relevant documents, and think about potential solutions before attending mediation. Being open-minded and willing to communicate is also crucial.

What qualifications do mediators have?

All our Mediators have formal training in conflict resolution and hold nationally accredited certifications. Many also have backgrounds in law, psychology, social work and other various professional expertise.

Can mediation be conducted online?

Yes, mediation can be conducted online using various video conferencing platforms. This approach has become the most popular process and allows for greater flexibility and convenience.

What if the other party is uncooperative during mediation?

Mediators are trained to handle difficult situations. They can employ various techniques to encourage cooperation and maintain a productive dialogue.

Is mediation suitable for all types of disputes?

While mediation is effective for many disputes, it may not be suitable for all situations, especially where there is a significant power imbalance or issues of safety, such as domestic violence.

How are mediators selected?

We have a panel of qualified and expert Mediators that we select from based on the specific needs of the parties.

What if I feel pressured to agree during mediation?

Mediation is designed to be a voluntary process. If you feel pressured at any point, you can express your concerns to the mediator, who can help ensure that all parties feel comfortable.

Can I change my mind after reaching an agreement?

If an agreement is not yet signed and drafted by a lawyer it is not binding and you can still discuss your concerns with the mediator.

What if I have ongoing issues with the other party after mediation?

Mediation aims to resolve specific disputes, but if ongoing issues arise, parties can consider additional mediation sessions or other conflict resolution methods.

How can mediation help with family disputes?

Mediation provides a structured environment for families to communicate openly and reach agreements on sensitive issues, such as custody arrangements and financial matters, while prioritizing relationships.

Are there any risks to mediation?

While mediation is generally safe and constructive, parties should be aware that not all disputes can be resolved amicably. It's essential to approach mediation with realistic expectations.

Can mediation be used in conjunction with legal proceedings?

Yes, mediation can occur before, during, or after legal proceedings. Sometimes, courts may require parties to attempt mediation before proceeding with litigation.

What happens during the initial consultation?

The initial consultation typically involves discussing the mediation process, outlining potential issues, and determining whether mediation is the right approach for your situation.

How do I start the mediation process?

You can begin the mediation process by contacting us for a free consultation to discuss your situation – admin@disputeresolutions.com or phone +61 0433 087 959

Can a Mediation be adjourned?

Yes, there are situations where the mediation can't be finalised on the day. If the mediator believes there is a need for the mediation session to be adjourned, they may ask the parties to agree to an adjournment. Some mediations just require a phone call or email between the mediator and the parties to resolve the matter.

**Legal
Disclaimer**

This brochure is intended for informational purposes only and should not be relied upon as legal advice. While we strive to provide accurate and up-to-date information, the content may not reflect the most current legal developments or interpretations. We strongly recommend that you seek independent professional legal advice tailored to your specific situation before making any decisions related to mediation.