Mediation Process

Mediation is a process for resolving disputes. It is a voluntary (confidential) negotiation process where an independent and neutral third party (the mediator) assists the parties to try and find a way to resolve their dispute in a non-threatening way. If an outcome is reached, it can be kept confidential between the parties.

The mediator's role is not to take sides, but to listen to both parties and assist them in looking at their issues, develop options and reach an agreement that is acceptable to both parties. In other words, and unlike the courts, which are based on an adversarial approach with a winner and a loser, mediation may allow the parties to find a solution that is satisfactory to all of them.

The mediator cannot impose a decision upon the parties and if the mediation process fails, the parties still have the option to turn to arbitration or the courts to have the matter in dispute settled.

A number of benefits can be identified from mediation:

- The parties participate in the decision-making process rather than the Arbitrator or judge making decisions for them;
- Both parties have an opportunity to tell and listen to how each other feels about the situation; and
- It generally costs a lot less than going through the Courts.

How is mediation provided?

Generally, mediation will begin with individual pre-mediation sessions before proceeding to a joint session, where the needs of both parties are considered.

While mediation can be delivered in a number of ways, it is usually either:

- Face-to-face where both parties to the dispute meet and discuss the issues; or
- Shuttle mediation where the mediator/s travel back and forth between the parties to attempt to get a resolution to the disputed issues.

What happens if mediation is unsuccessful?

If mediation is unsuccessful or only partially successful the next step is to go outside the association to your local community justice centre, or the dispute matter can be dealt with by a Tribunal or Complaints Panel, depending on what the parties involved decide.