
DISPUTE RESOLUTION CENTRES OF QUEENSLAND

Providing a mediation service to the Queensland community

What is mediation?

Mediation is a way of settling a dispute without legal action.

It is a meeting of people in conflict, with one or two *mediators* present. The mediators guide the discussion between the parties to help them work out an agreement.

Mediators never take sides, or sit in judgment.

What can mediation do for me?

Mediation can help you resolve your conflict by:

- Letting you talk it all out;
- Helping you make your own decisions;
- Saving you time and money.

What does mediation cost?

In most cases, mediation is free of charge. Large organisations may be subject to a fee.

Is mediation confidential?

Yes. Mediators take an oath of secrecy. Nothing you say in mediation can be repeated by the mediators to anyone else outside the Dispute Resolution Centre or used in any legal action.

Who provides the mediation?

Dispute Resolution Centres have been established around Queensland by the Department of Justice & Attorney General so that the whole community has access to a high-quality mediation service.

Our mediators have undergone intensive training and every mediation is supervised.

Special needs are also taken care of by the Dispute Resolution Centres. For example, we can arrange wheelchair access, or if you are deaf, either a signer or a laptop computer at our expense.

We have responded to the special needs of Aborigines and Torres Strait Islanders by employing mediators with the same background.

If one or both parties cannot speak English, an interpreter can be arranged.

How do I arrange a mediation?

Contact one of the Dispute Resolution Centres directly in your local area. Phone numbers are listed on this information sheet.

Do I have to ask the other person to attend?

No, the Dispute Resolution Centre will do that for you. Usually we send a letter, but sometimes we phone.

How quickly can a mediation be arranged?

If the other person is willing to attend, mediation can normally be arranged within a few weeks.

Does mediation work?

Experience shows that about 90 per cent of mediations reach agreement. However, if the mediation is unsuccessful you will still be able to take other measures, including legal action, to resolve the dispute.

What types of disputes are suited to mediation?

Mediation can be used for a wide range of disputes, such as those involving:

- The workplace
- Neighbourhood
 - Fencing
 - Trees
 - Privacy
 - Pets
 - Noise
- Tradespeople/Commercial
- The family

What if I'm considering legal action?

Mediation can be useful whether or not you are thinking about legal action.

If you have already begun legal proceedings you can still choose mediation, or the court may suggest you try it. Sometimes the court will *order* you to use mediation.

If the mediation is unsuccessful you can still take legal action.

Are agreements reached at mediation legally binding?

No, not unless mediation has been ordered by the court. However, in most cases people keep their word on agreements made in mediation.

If you want to make your agreement legally binding, and if all parties agree, you can have lawyers draft a legal document after mediation.

If you want the matter determined solely on your legal rights, you may be better off going to court.

On the other hand, if you want to have your say on the wider issues, you will probably find mediation more satisfying than court proceedings.

How should I prepare for mediation?

For yourself

Before mediation it may be helpful to consider:

- Your rights and responsibilities in relation to the dispute;
- How the dispute affects your day-to-day life;
- The main issues you would like to discuss;
- What you would like to see happen;
- What you are prepared to do to make this happen'
- How the dispute might be resolved if mediation is not successful.

Witnesses or evidence do not have to be produced at a mediation as it is not like a court hearing. However, notes and documents relating to the dispute may be useful to bring along.

For the other party

- Think about what the other party wants.
- Put yourself in their shoes and think about what they might expect.

- Consider what you think they might accept. (Remember you are just guessing about this.)

Who attends the mediation?

Usually only the people directly involved in the dispute attend a mediation. If you are upset or unsure about the mediation, you may choose someone to attend as a *support person*.

If all parties agree, you can:

- bring a lawyer to the mediation; or
- Contact a lawyer during the mediation.

Please note that mediators do not give legal advice.

What other services are available?

Dispute Resolution Centres also provide training in conflict management and mediation.

The Dispute Resolution Branch of the Department of Justice provides expert advice on other aspects of conflict management, including training and dispute systems design.

For more information about these services, phone (07) 3239 6277.

The Branch also offers Justice mediation (criminal mediation) in some areas. For more information about this service, phone the Justice Mediation Program on (07) 3239 6246.

Who do I contact for mediation?

Contact your local Dispute Resolution Centre:

- **South Queensland**
07 3239 6007 (Brisbane)
1800 017 288 (outside Brisbane)
- **Central Queensland**
07 4938 4249 (Rockhampton)
1800 817 927 (outside Rockhampton)
- **North Queensland**
07 4760 9866 (Townsville)
1800 809 605 (outside Townsville)
- **Far North Queensland**
07 4039 8742 (Cairns)
1800 671 680 (outside Cairns)
- **Wide Bay**
07 4125 9225 (Hervey Bay)
1800 681 109 (outside Hervey Bay)
- **Mackay-Whitsunday**
07 4967 4404 (Mackay)
1800 501 576 (outside Mackay)