



Mediation can be used to resolve disputes **BEFORE** they become a real problem.

What is mediation?

Mediation is a confidential process of negotiation, where an independent and neutral third party assists people in dispute to discuss and reach an appropriate resolution to their problem.

Mediation techniques can also be used in negotiations that do not involve a dispute, for example establishing the terms of an employment contract, partnership agreement or succession plan.

Mediation is particularly useful in complex matters where less formal communication may be helpful. Where privacy and confidentiality are important mediation enables parties to preserve these rights without the public disclosure that often accompanies legal action.

Mediators cannot impose a decision upon the parties involved. Instead, through their facilitation and application of technical skills, the mediator is able to assist them to explore the issues in depth and reach the best possible joint decisions that the circumstances allow.

Mediation is not counselling, therapy or persuasion.

The Law Society of NSW states on its website that ...
“90% of all disputes worked through the mediation process have successful outcomes.”
(www.lawsociety.com.au)



Who should use mediation, and at what stage do you try it?

Anyone who has a dispute that could interfere with a business or personal relationship, or parties wishing to negotiate a complex agreement may benefit from the mediation process. The following three examples demonstrate how and when mediation may be usefully applied:

1. Mediation should be considered as early as possible after a dispute has arisen. It is particularly appropriate where a dispute involves complex issues and/or multiple parties. Mediation can be implemented prior to, or in conjunction with, other forms of dispute resolution such as arbitration or court proceedings.
2. Mediation techniques can be used to assist the preparation of formal documents such as succession plans, employment contracts or partnership agreements.
3. An agreement to mediate may be incorporated into contractual clauses that direct parties to mediation as the preferred dispute resolution procedure.

Why is mediation better than legal action?

The advantages of using mediation over other forms of dispute resolution are overwhelming:

<i>Mediation...</i>	<i>Arbitration/Litigation...</i>
Seeks a solution and ensures the survival of your relationship with the other party	Produces a winner and a loser
You achieve self-satisfaction by controlling both the process and the result	Others control the process and result
Is non-confrontational	Is based on an adversarial process
Is informal, inexpensive and flexible	Is formal and usually very expensive
Private and completely confidential	Litigation is public
The solution can be reached quickly	The process is usually lengthy
Restores and improves relationships (business, employment, personal, professional)	Aggravates animosities and cements division between parties

When not to mediate:

Mediation is not an appropriate dispute resolution option in the following circumstances:

- The dispute involves a point of law, the interpretation/construction of a document, the necessity for an urgent injunction, or in disputes when an allegation of fraud or other commercially disruptive conduct is made
- The disputants have a history of mutual intimidation, violence or acrimony
- The disputants have agreed to establish a legal or public precedent
- There is an imbalance of power, social or financial position between the disputants
- A statutory time limitation or deadline expiry date is imminent

How much will the mediation process cost?

Mediation is nearly always a cost effective option compared to legal and other processes. Fees will be confirmed at the initial interview and will be determined by the time involved, with allowances for travel and other costs where applicable.

You can now access mediation services at a convenient location.

New England North West Mediation Service offers professional mediation; accredited mediators are Austin Rummery and Chris Cull. They are based in Armidale and will travel to other centres as required.

For mediation, facilitation and related services contact:

Chris Cull – 0414 868 432 or 02 6772 3424

Austin Rummery - 0408 659 987 or 02 6772 1180

PO Box 135 Armidale, NSW 2350

Email: mediation@ozadvice.com.au

Web: www.ozadvice.com.au

For more details about this service and the mediators go to: www.ozadvice.com.au and select:



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