

## Frequently asked questions about mediation

### What is mediation, and how does it work?

Mediation is a way of helping people settle a dispute without having to go to court.

The people who are in dispute get together in the presence of one or two mediators to discuss their differences and sort out a solution that suits them both.

The mediators act as a neutral third party and guide the parties through a structured mediation process.

### Who supplies the mediation service?

The service is supplied by the Dispute Resolution Centres, which were established throughout the State by the Queensland Government.

### What issues are suitable for mediation?

A wide range of issues are suitable for mediation.

The most common issues dealt with by the Dispute Resolution Centres (DRCs) are neighbourhood disputes involving such problems as fences, noise, children, pets and overhanging trees.

The DRCs also deal with:

- family and intergenerational disputes
- workplace disputes
- commercial disputes
- relationship separation
- parenting agreements and property settlement matters
- multi-party disputes, sometimes involving the whole community
- tenancy disputes.

### Will the mediators tell the other person what to do?

No, the mediators are not there to give advice, to offer suggestions or to decide who is right or wrong. The mediators are there to direct discussion between the parties and to help them make their own decisions.

### How does the DRC arrange a meeting?

After noting some details from the person who contacts the DRC, a member of staff sends a letter to the other parties, offering to set up a meeting between the people concerned so that they can discuss their problem.

The letter stresses that the DRC is neutral and that its role is to provide a team of two mediators to help people talk about and resolve their differences.

The letter also explains that mediations are free, private and can only go ahead when people agree to attend. A brochure giving more details is included, and the person is asked to contact the DRC.

### How long does the mediation process take?

After sending the first letter, staff at the DRC wait ten days. If they have not had a response, they write again, stressing that their interest is to help people sort out their differences.

Where both parties agree to go to mediation, the DRC can usually arrange for the session to take place within ten days. The sessions last an average of three to four hours.

### What if the other party does not respond or rejects the offer?

For mediation to go ahead all the parties to the dispute have to agree to attend. When that is not the case, the file is closed.

If this happens, the person who initially contacted the DRC is notified.

Even if a reason is given for declining, the DRC cannot disclose the reason to the other person—or to anyone else.

### Is the agreement enforceable in a court of law?

No, generally it is not legally binding—it is up to the parties to keep to their agreement and because they drew up the agreement themselves, there is a good chance that they will comply with it.

However, the people concerned can make their agreement enforceable if they choose to.

When the agreement is drawn up, they include a statement saying that they want the agreement to be legally binding. The necessary documents can then be drawn up by a solicitor.

If the dispute has been referred by the court, the people concerned can ask for a consent order. This can be prepared by court staff.

If solicitors are present at the mediation, they can draft the agreement in a legally binding form then and there.

### **How do I become a mediator? What qualifications do I need?**

You do not need any formal qualifications. The DRC is looking for people with good listening, communication and writing skills.

To become a mediator you must go through a selection process involving group and individual interviews, and then complete an intensive training course.

### **For more information:**

Dispute Resolution Branch  
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Brisbane Qld 4001

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Regional area toll free 1800 017 288

### **For mediation services, telephone:**

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