

Why Mediate?

The benefits of mediation can be summarized as being:

- ⇒ More cost effective.
- ⇒ Affordable.
- ⇒ Efficient by providing faster results.
- ⇒ Less damaging to future relationships.
- ⇒ Confidentiality of process and agreements

**YOU CONTROL THE
OUTCOME.**

The uncertainty of Court



As opposed to the certainty of reaching your own solution.

INTRODUCTION TO MEDIATION

HOW CAN IT HELP YOU?



www.flms.com.au

PO Box 1576
SPRINGWOOD QLD 4127

Phone: 07 38043955
Or 1800 609 685
Fax: 07 3808 3477
E-mail: info@flms.com.au



What is mediation? - Mediation is a process in which an independent person assists two or more people or organisations in dispute to negotiate and to make mutually satisfactory decisions on their dispute. It is a form of "assisted negotiation".

Mediation typically involves various steps but not every mediation process is the same. Usually those steps involve-

- ✓ The mediator is contacted by someone to assist
- ✓ The mediator writes to the parties or telephones to ensure they are willing to participate.
- ✓ If the parties proceed the mediator sends information about the process, the mediator and a mediation contract. The Mediator may request some background information on the dispute.
- ✓ The mediator contacts each party by telephone briefly in preparation for the mediation.
- ✓ The time and place for mediation is arranged.

Are the agreements made at mediation legally binding? - The mediator will strive to reach a written agreement signed by both parties. The parties can then agree that the agreement will be capable of production in Court as a record of the agreement. The parties can then have their lawyers redraft the agreement into a legally binding agreement e.g. Family Court Consent Order, Financial Agreement.

What happens in the mediation meeting? - The mediator will introduce himself and explain the process. Each party will then be asked to speak about their concerns. The mediator clarifies the concerns and focuses attention on the specific issues raised by each party. Common ground is identified and where there is disagreement the mediator will provide a structure for discussion. Piece by piece the issues are narrowed and like a jigsaw puzzle an agreement begins to form.

Who may the mediation be discussed with? - If all parties agree advisers and supporters may be present. The parties may elect to have their solicitors present. The parties can also agree on whether what is said and done at the mediation will be public. Neither the mediation decisions, or anything said at the mediation can later be used in Court unless both parties agree. This is agreed in writing before the mediation. In family law related matters the Family Law Act prohibits the use of anything said or done in mediation to be later used in Court. The process is as far as possible "without prejudice" and confidential.

Can I stop the mediation process if I feel uncomfortable or want to discuss matters with others? - Yes. You can ask to speak to the mediator alone. Normally during the process the parties will be spoken to the mediator separately on a confidential basis. You can simply ask for a break. The mediator will try and improve the negotiation process by minimizing intimidation and any perceived or real imbalance in bargaining strengths.

What happens after the mediation process? - One of the benefits of mediation is that the parties are assisted in reaching their own agreement. This minimizes the prospect of future conflict. If the agreement reached encounters problems a mediation may be reorganized to deal with those problems.

Our mediators Mark Francis & Randal Binnie are:

- ⇒ Queensland Law Society approved
- ⇒ Members of the Australian Institute of Arbitrators and Mediators.
- ⇒ Randal Binnie is an Accredited Qld Law Society Family Law Specialist



Mark Francis



Randal Binnie