

Notice of mediation

Case number: <case number>
Applicant: <Applicant's name>
Respondent: <Respondent's name>

The parties to this application are notified that they are required to attend mediation at:

Venue details:

Date: <date of mediation>
Time: <time mediation commences>
Venue: <venue address where mediation will be held>

**Delegate for Principal Registrar
Queensland Civil and Administrative Tribunal**

Date: <date>

Notes:

1. Both parties must attend the mediation meeting in person, unless otherwise arranged with QCAT. It may be possible for you to attend this hearing by remote conferencing. If you would like to do this, please complete the form. This form must be lodged with the Tribunal as soon as possible or at least five working days before the conference. You must also send a copy of the form to the other party/parties.
2. You are not automatically entitled to be represented at the mediation. If you wish to be represented at the mediation by an agent you should complete the attached form, **Application for leave to be represented** and give it to QCAT to consider this request at least five working days before the mediation date.
3. You should bring all documents and evidence to prove your claim with you to the mediation.
4. The mediator will determine how the mediation will be conducted.
5. Anything said or done during mediation is confidential, however mediators are required to report to QCAT about whether the mediation was successful.

For more information on QCAT

Call 1300 753 228 or visit www.qcat.qld.gov.au
GPO Box 1639, Brisbane Qld 4001 Fax: 07 3221 9156
Email: enquiries@qcat.qld.gov.au ABN: 13 846 673 994



Important information: for parties to read prior to attending mediation

Mediation is a process in which the parties to a dispute, with the assistance of a neutral third party (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no advisory or decision making role in regard to the content of the dispute or the outcome of its resolution.

Prior to mediation

- Prior to appointing a mediator to a dispute, the Tribunal checks that neither of the parties is known to the mediator.
- Statistics demonstrate that mediation is a highly effective tool to resolve disputes without the need for the more costly alternative of proceeding to a hearing. Over 70% of domestic and minor commercial disputes sent to mediation are successfully settled.
- The **Notice of mediation** will explain where you need to go.
- If attending mediation means that you will have extensive travel, QCAT may consider allowing you to attend by telephone. You will need to submit an Application for attendance at hearing, compulsory conference or mediation by remote conferencing. The form is available on www.qcat.qld.gov.au
- If you wish to have an agent attend the mediation on your behalf, you need to submit an Application for leave to be represented. This needs to occur at least five working days before the mediation is due to take place. Any person who attends mediation on your behalf must have written authority from you to reach and sign an agreement in your absence.
- Generally lawyers are not permitted to attend the mediation. However, if you wish to have a lawyer represent you at the mediation, you need to submit an Application for Leave to be Represented. This form is available on www.qcat.qld.gov.au.

During mediation

- This is your opportunity to discuss the issues in the presence of a mediator and reach a legally binding agreement acceptable to the parties.
- The mediator may speak with each party privately. Those private discussions will only be disclosed to the other party with your permission.
- For mediation to be successful, parties should focus on the issues in dispute and put personality differences aside.
- The mediator may do some reality testing during the mediation – such as what to expect if the matter proceeds to a Tribunal hearing.
- Mediators act as a neutral third party and guide the parties through a step by step mediation process.
- The mediation is scheduled for 3 hours. You should ensure that you have this time available to fully participate in the mediation and finalise any terms of settlement.

Signing the mediation agreement

- If an agreement is reached at mediation, you may sign a written document setting out the agreement. You have a right to discuss the proposed agreement with an expert or legal representative, prior to signing the mediation agreement.
- Where the agreement requires that money be paid into QCAT's trust account, the parties must consent to that part of the agreement being made an order of the Tribunal.
- Any agreement you sign will be legally binding.
- If no agreement is reached between the parties at mediation, the mediator may help you to work out the issues the parties agree and disagree.

For more information on QCAT