

Mediation of minor civil disputes: consumer disputes and minor debts

Mediation is a dispute resolution option in which a mediator will help parties discuss their differences and help find a solution that suits everyone.

What does a mediator do?

The mediator acts as an independent third party and helps participants look at the dispute in different ways to see if a solution is possible. The mediator is not there to make a decision about who is right or wrong but to help parties reach an agreement.

What are the benefits of mediation?

Mediation:

- can save time and money by avoiding a QCAT hearing.
- is less formal than a hearing (no witnesses or experts involved).
- allows you to come up with your own solutions and agreements.
- allows you to have your say, listen to the other parties' points of view and weigh up options.
- allows more options for resolving the dispute than orders QCAT can make.
- is confidential – discussions won't be referred to at a hearing unless both parties agree.
can provide useful information to those involved in the dispute.
- agreements may be made into a QCAT order.

Who provides the mediator?

The mediator may be from QCAT or from the Dispute Resolution Centre (established by the Queensland Government to provide a free, confidential and impartial service).

How long does mediation take?

Mediation of consumer disputes and minor debts usually take 1-1½ hours. It is recommended that you allow sufficient time to participate in the mediation.

Can I participate by phone or videoconference?

Yes. To organise this, contact details are on your Notice of Mediation.

Is mediation compulsory?

Yes, the tribunal can direct a party to attend mediation. If you do not wish to participate in mediation, you can write to the contact person nominated on your Notice of Mediation stating your reasons. A decision will then be made about whether mediation is appropriate.

This fact sheet provides general information and should not be considered legal advice. If you are unsure about your legal rights, you should seek legal advice. Your individual circumstances should determine any actions taken to resolve your dispute.

What happens if I don't attend?

If you do not attend the mediation the application may proceed to a hearing in your absence and be determined on the evidence provided. If you cannot attend mediation, please notify the relevant QCAT registry or Dispute Resolution Centre as soon as possible.

How can I prepare for mediation?

You should read the QCAT application and any documents attached to it. Be clear about the issues in dispute and think about options for resolving those issues. You can seek legal advice prior to mediation.

What documents are needed?

If possible, before the mediation you should send to the other party and QCAT a copy of any relevant documents such as receipts, photos, invoices or statements. Please bring original documents with you to the mediation.

Who else can attend?

Normally only the parties may attend mediation. Witnesses are not required for mediation and will not be allowed to participate. If you want another person to attend you must discuss this with the mediator before the mediation starts. The mediator decides who stays in the room. Please apply to QCAT as soon as possible if you wish to have legal or other representation.

What if we reach an agreement?

Mediation is confidential, however it is a requirement that the mediator provide QCAT with a certificate advising the outcome of mediation. When a resolution is reached, the mediator will help parties draw up an agreement for signature.

What happens if an agreement is not reached?

If no agreement is reached, the mediator will advise QCAT. If there are multiple issues in dispute, the parties can agree that a list of issues still in dispute be provided to the tribunal for use in the hearing. QCAT will list the dispute for hearing on a future date and advise all parties.

Contact information

Queensland Civil and Administrative Tribunal (QCAT)

Brisbane

Email: enquiries@qcat.qld.gov.au

Phone: 1300 753 228

Outside of Brisbane

To find your nearest Magistrates Court, visit courts.qld.gov.au or look up Queensland Magistrates Courts in the phone book.

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