



RANDAL BINNIE
M E D I A T O R

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MEDIATOR
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**Registered Family Dispute
Resolution Practitioner**

INFORMATION ABOUT MEDIATION FOR PARTIES ENTERING THE PROCESS

WHAT IS MEDIATION? -[READ MORE AT MEDIATERESOLVE](#)

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".

WHAT ARE THE INITIAL STEPS LEADING UP TO MEDIATION?

Usually Mediation involves the following steps:

- the mediator is approached by someone, often one of the parties, with a request to assist in reaching an agreement in relation to the matters in question.
- The mediator will then usually write to the other person or organisation involved and invite them to participate in mediation.
- The mediator will usually send each person information about Mediation, the mediators background, and the Mediation contract to complete and if necessary request some background information on the dispute.
- The mediator makes contact with each individual or organisation to explain the process and determine whether the dispute is one suitable for Mediation. This contact may be in by telephone or a personal meeting to prepare each party for the Mediation process.
- The mediator or his staff will then arrange a neutral venue for the Mediation meeting to be held at.

What happens in the Mediation meeting itself?

The mediator first speaks to both parties who are usually in the same room (but not necessarily so) and explains the process and the guidelines that the parties and the mediator will adhere to during the Mediation.

Each party is invited to talk in turn, without there being any interruption from the other, about their concerns and issues which they wish to raise in the mediation process.

The mediator will clarify each party's concerns and identify each of the issues for discussion. Each issue is being listed for discussion in the order of priority as is agreed by the parties. The mediator will define areas where there are disagreements and agreement and will provide a structure to the discussions leading the parties to agreement on each issue. The parties will explore options for resolving the points of difference during the mediation session. An agreement is slowly pieced together just like a jigsaw puzzle.



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Can I talk about the mediation session with friends or professional advisers?

Advisers and supporters can be present at the mediation only if all parties agree. The parties can also agree on what will be said publicly about Mediation. Neither the Mediation decisions or anything said at the Mediation can be later relied on in a court. All discussions at the Mediation are confidential and private.

ARE AGREEMENTS REACHED AT THE MEDIATION BINDING AT LAW?

The mediator can assist the parties to record the outcome of their agreement in a document called Heads of Agreement which contains both matters which have been agreed and the issues, if any, which still need to be agreed upon. The parties can have the document drafted into a legal binding document after receiving advice from their lawyers, accountants or other necessary advisers.

WHAT IF I FEEL UNCOMFORTABLE DURING THE MEDIATION FOR SOME REASON?

Mediation is voluntary and you are free to leave at any time. However, if you do leave it means that your differences may not be resolved amicably through the mediation process. If you become uncomfortable during the process you can ask for a break or asked to speak to the mediator alone. You can express your concern immediately and the mediator will try and deal with it openly. You may ask to have the mediation session adjourned for a period of time.

The mediator's role is often one of balancing negotiating strengths of each of the parties so as to improve the negotiation process.

ON A FINAL NOTE

The process itself is an informal one and the mediator will help you feel at ease during all stages of the process. The mediator will, in certain circumstances, provide you with legal information but cannot and will not provide you with legal advice.

I look forward to helping you reach an agreement during our mediation session/s.

Randal Binnie
Nationally Accredited Mediator
Accredited Family Law Specialist (QLS)
Notary Public