



Guide to Parties

Mediation at the ACT Civil and Administrative Tribunal

What is mediation?

Mediation is a negotiation process involving a mediator and the parties to the dispute.

During the mediation process, the mediator will help the parties identify:

- the issues that are in dispute;
- what the interests of the parties are; and
- ways to resolve the dispute.

What is the goal of mediation?

The goal of mediation is for an agreement to be reached between the parties.

How do I prepare for mediation?

You can prepare for mediation by:

- making sure you are available to attend mediation (it is best to set aside a whole day);
- consider your position and work out what outcomes you are willing to agree to. Both parties to a dispute may be required to compromise;
- provide material to the ACAT and the other party beforehand if you are ordered to do so;
- prepare an opening statement which summarises your views and how you wish to resolve the dispute;
- bring along any supporting documents such as invoices, photographs, receipts or statements you consider to be relevant to your case;
- prepare to mediate in good faith;
- prepare to listen and be open minded to what the other parties have to say about the dispute; and
- prepare to sign a written agreement if an agreement can be reached.

What can I do if the mediation date is unsuitable?

It is very important that you attend the mediation. If you cannot do so, you must request an adjournment. You will be notified if your adjournment request is granted. Unless you hear otherwise from the ACAT, you are still required to attend the mediation.

What if I do not attend mediation?

It is important that all parties attend the mediation. Failure to attend may result in the ACAT dismissing the application or making an order in your absence.

What happens if there is an agreement?

If an agreement is reached, then the outcomes will be recorded in writing. ACAT may make orders.



What if there is no agreement?

If agreement cannot be reached between the parties, the mediator will generally direct that the matter proceed to a directions hearing, or to a hearing.

Tips:

Some tips for mediation include:

- if you decide to get legal advice or representation, do this early. Legal representatives can attend mediation with you;
- consider early whether you want to bring a support person, and any other arrangements you may need to make;
- you can authorise someone to appear on your behalf, but you must fill in a Power of Attorney form: http://www.acat.act.gov.au/applications_and_forms ;
- if you are going to attend a conference for a corporation, you must fill in the Authority to Act for a Corporation form: http://www.acat.act.gov.au/applications_and_forms ; and
- on the day of the mediation, allow plenty of time for car parking and bring your documents, including the paperwork sent to you by ACAT and anything sent to you by any other parties.

How do I contact the ACAT?

Further information can be obtained by contacting:

ACT Civil and Administrative Tribunal
ACT Health Building, Level 4, 1 Moore Street
GPO Box 370
Canberra City ACT 2601

Business Hours

9.00am to 4.30pm Monday to Friday

Telephone (02) 6207-1740

Facsimile: (02) 6205-4855

Website: www.acat.act.gov.au

Email: tribunal@act.gov.au