

Information Act 2002

Mediation Information

If you have made a complaint to the Commissioner, you may be asked to participate in a mediation at any stage of the complaint process.

Further mediation is a mandatory step before your complaint can be referred to the Tribunal (NTCAT) for a final hearing.

What is mediation?

Mediation is a process by which the respondent and the complainant try to resolve their areas of disagreement. It is based on the principles of problem-solving that focus on the needs and best interests of both parties.

The process involves:

- both parties listening to each other's points of view without interrupting;
- identifying the issues in dispute;
- setting an agenda to discuss the issues;
- sharing relevant information;
- exploring options and testing possible solutions; and
- negotiating a written agreement.

The mediator facilitates the communication process between the parties to help them to resolve the areas of disagreement. The mediator acts impartially, assisting the parties to both jointly and separately reach a consensus.

The mediator's role includes:

- facilitating structured communication between the parties;
- assisting the parties to work out what the dispute is about and isolating the issues involved;
- encouraging cooperative problem-solving and discouraging the parties from taking an entrenched positions;
- helping to determine where the parties have common, compatible and conflicting interests and where appropriate, selectively sharing the information with the other parties;
- systematically exploring issues and mutually beneficial solutions by focussing on the interests and personal needs of the parties;
- generating options that meet the needs and interests of the parties in an effort to resolve the dispute; and
- managing and making decisions about the process to achieve a "win-win" outcome for both parties.

Anything said, recorded or done in the course of the mediation is not admissible in any other proceedings.