

FACT SHEET

www.cjc.nsw.gov.au

Settling Small Claims Disputes by Mediation with Community Justice Centres

Mediation sessions at Community Justice Centres (CJCs) are FREE and are arranged at times to suit everyone. Mediations are held at our regional offices or a place near you.

How can mediation help in Civil Claims disputes?

Mediators can assist you and the other person/s to reach an agreement to settle the dispute.

Mediators do not make the decisions – you do. With the assistance of the mediators you will be able to negotiate on your own behalf. If you need to get further legal advice, the mediation can be suspended or re-scheduled.

Reaching an agreement through can avoid the need to attend court again. An agreement you reach at mediation is not, in itself, legally enforceable. However, at the conclusion of the mediation you can complete an “Agreement as to Judgement” (Form 27). When this is registered with the Local Court it becomes, through the Court rules, an order of the court and is enforceable by the court.

Why mediate?

- ⌚ Mediation provides a safe and informal environment for people to talk to each other to sort out problems.
- ⌚ Over 80% of mediations result in an agreement being reached. People are more committed to the outcome because they take part in the decision making.
- ⌚ Even if agreement cannot be reached, mediation provides the opportunity to clarify the issues and understand each other’s point of view.

Do I need a Lawyer?

Lawyers and solicitors are not required as mediation is not a legal process. Mediation is an opportunity for you to; talk it out with the other person/s; make your own decisions; and save time and money.

Before the Mediation Session

Because you will be negotiating on your own behalf, it is important that you understand what your legal rights and responsibilities are. Although you may not make your decision along the strict lines of those rights and responsibilities, you do need to understand your options and possibilities.

Your options to obtain this information will be explained when you contact the CJCs to arrange a mediation session.

When you come to the Mediation Session

When you come to the mediation session, bring along with you any receipts, bills, reports, plans, diagrams or documents relating to the dispute. This is to help you and the other person/s clarify the issues and to be specific about what you want and why you want it. It is not to enable the mediators to make decisions or recommendations.

Any agreement you make will be one that suits both of you. The agreement may include things other than money, and could include times and dates for payment, work to be carried out and other matters. "Support people" may attend if required, though they do not participate in the session.

Civil Claim mediation sessions take approximately 2 hours, so please ensure you have sufficient time available when attending a session.