



## **Aboriginal Mediation Service (AMS)**

### **Mediation – Fact sheet**

#### **About mediation**

Mediation involves people willingly coming together to talk about their conflict and trying to reach an agreement that everyone can live with.

Mediation is facilitated by qualified mediator/s. The mediator is a neutral third party who helps the parties discuss the problem and solutions. While the Mediator facilitates the process, it is up to the parties to agree to solutions and make them work.

#### **Advantages of mediation**

Mediation can be seen as advantageous compared to going through the courts because:

- It can give a quicker resolution than going through the court process.
- The parties have more control over solutions and own the outcomes.
- It is an informal process with less stress upon the parties.
- Privacy and confidentiality of the process is assured.
- Is cost effective when compared to litigation costs. AMS is a free service.

#### **Mediation assessment and intake**

AMS conducts an in-depth intake and assessment process with each party (in person or via phone) which helps to determine:

- The nature and scale of the conflict.
- Parties involved.
- Willingness to engage.
- Parties' ability to commit to outcomes.

If mediation is recommended, AMS will advise you of this. We will contact you to discuss:

- The mediation process.
- Confidentiality.
- Logistical matters (location, date).

## When mediation is not suitable

Mediation is not always suitable. When this is the case, AMS will advise all parties and offer alternative options, which may assist in resolving the current conflict

## Who can attend the mediation?

All people involved in the conflict should be encouraged to attend and participate.

Lawyers are not required, as mediation is not a formal legal process. However, AMS encourages all parties to make sure they are well advised during the process and may need to seek legal advice at some stage of the mediation.

## What happens in mediation?

Mediation takes between 2 and 4 hours (or more as required) and generally follows the below process:

- Ground rules are agreed upon.
- Issues are shared with the other party and what you are hoping to achieve.
- The issues are then explored in more detail.
- Outcomes are explored and reality tested.
- Negotiations and agreement of outcomes.
- If all parties agree the mediator completes a mediation agreement.
- All parties sign the agreement as a record of what was decided.

## Confidentiality

It is important for all parties engaging with AMS to understand how their confidential information is protected.

Any contact that you have with AMS is confidential in nature.

AMS will not use any information obtained to your disadvantage.

---

If you would like more information about the Aboriginal Mediation Service, please contact:

**FREECALL:** 1800 045 577      **Phone:** 9264 6176

**Email:** [aboriginalmediationservice@justice.wa.gov.au](mailto:aboriginalmediationservice@justice.wa.gov.au)