

# Mediation Protocol

*The purpose of mediation is to assist the parties reach their own agreement for resolution of their dispute. The mediator facilitates a process of discussion and negotiation. The mediator does not make findings or issue any formal determination.*

The mediation will be conducted in accordance with the *Mediation Rules* of the Institute of Arbitrators and Mediators Australia (IAMA) (2007). I will observe the *Principles of Conduct for Mediators* issued by IAMA (2003).

The IAMA Mediation Rules and the IAMA Principle of Conduct may be viewed on the IAMA website, under the heading 'Mediation'.

The parties may vary these requirements, and any variation will be dealt with as part of the Agreement to enter into Mediation.

## **Preliminary Meeting:**

If the parties wish, I will hold a pre-mediation conference by telephone or email as convenient to set a timetable for provision of material in advance, exchange of any submissions or position papers, any variations to the usual terms of the agreement to enter into mediation, as well as administrative matters such as venue, time allocation and the like. Otherwise the parties should agree on these matters, keeping me informed by phone or email.

## **Agreement to enter into Mediation:**

Either at the preliminary meeting or the beginning of the mediation session itself, the parties will be asked to execute the formal agreement to enter into mediation.

## **Authority to Settle:**

It is essential that any person participating in the mediation session on behalf of a party hold a full authority to make offers and to settle the dispute, or be in a position to obtain that authority during the time that has been allocated for the mediation session.

## **Location:**

While Sydney is my primary location, I am available to undertake mediations at other locations.

## **Mediation Venue and Facilities:**

The parties should arrange the venue, and ensure that it has suitable break-out rooms or areas. The parties should agree on any need for secretarial support. In such cases they should choose a venue with that facility.

*Kevin O'Connor*