

# Preparing for mediation workbook



*a way to work it out*

**a safe  
Territory**

A Territory Government Initiative

## How this workbook can help you

This workbook will help you to organise your thoughts for your mediation session. It will help you plan what you will say and how you will say it.

Bring the workbook to your mediation to ensure you cover all the important issues.

Your workbook is:

- ☐ confidential and is not given to the mediators or to the other party
- ☐ not to be used instead of talking to the other party during the mediation.

**To prepare for your mediation, read and complete the following activities.**

# Before the mediation

It's important to be clear in your own mind about the facts of the dispute and to think about some possible solutions that may help to resolve it.

## What is your dispute with the other party about?

Briefly outline what your dispute is about.

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## How would you like to resolve the dispute?

Briefly write here what you would like to happen.

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If you and the other party cannot agree, there may be other options to resolve the situation.

**How would you like to resolve the dispute? (continued)**

For the mediation to be as effective as possible, it will be helpful for you to think about the dispute a bit more.

Separate **what** you want to happen from **why** you want it to happen. Also, think about any underlying concerns or interests you have.

**What you want to happen and why**

In the table below, write down each issue, thinking about what you want to happen and why. Then write down what your main concerns are:

Issue		
What I want		
Why I want it		
Underlying concerns		

**The other party’s point of view**

Now try to think about the dispute from the other party’s point of view. Do you have an idea of what their concerns and interests may be?

In the table below, write down the issues you feel the other party may raise, thinking about what they want and why. Also try to think of any underlying concerns they may have.

Issue		
What the other party wants		
Why the other party wants it		
Underlying concerns the other party might have		

# Your role in the mediation session

## Preparing your opening statement

- ☐ List your key concerns and issues to give yourself some notes to refer to when you are making your opening statement.
- ☐ Keep the points short and to the point.
- ☐ Try to write objectively, without using negative words.
- ☐ It is also helpful to think about how you will talk to the other party during the mediation.

## Tips on how to communicate effectively

- ☐ Listen carefully to what everyone is saying.
- ☐ Try to speak clearly and calmly.
- ☐ Take turns when speaking, don't interrupt the other party or speak over them.
- ☐ If there is something you need to respond to, write it down.
- ☐ Make sure that you understand exactly what is being said.
- ☐ Ask questions if you don't understand something.
- ☐ Maintain appropriate eye contact with the person you are addressing.
- ☐ Stay positive.

## After mediation

At the end of the meeting, you may or may not have reached agreement.

- ☐ If you have, the mediators can assist everyone to draft the agreement.
- ☐ If you don't reach an agreement, the mediators will:
  - end the session; or
  - may make a time for another mediation session; or,
  - help you figure out where to from here.

## Remember

- ☐ Mediators do not provide advice or take sides
- ☐ Mediation sessions are confidential - what is said at the session can not be used as evidence in court unless you, the other party and the mediator agrees.
- ☐ We allow plenty of time for the mediation – please ensure you have made your own arrangements for car parking, child minding, work etc.
- ☐ You can call us on freecall 1800 000 473 is you have any questions.

## Conclusion

By reading and completing this workbook will help your discussions with the other party and provide a greater chance of resolving some or all of the issues in dispute.

**COMMUNITY**  
**JUSTICE CENTRE**

*a way to work it out*

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