

FREQUENTLY ASKED QUESTIONS

What is the Trial Environmental Dispute Mediation Service?

A free service run during 2012 sponsored by Councils and the EPA Board to assist parties to resolve disputes relating to environmental matters.

What will its cost me? There is no cost to participants.

How much of my time will be required? This will vary depending on the nature of the dispute but there is a financial cap put in place for each case which will limit the number of sessions that can be held.

How do I participate? The EHO at your local Council in consultation with the professional mediation service will determine if the dispute is suitable for mediation.

Can I bring a support person? Yes, however support people are not able to represent the parties.

Can I withdraw from the process at any time? Yes. This is a voluntary process but your willingness to participate is critical to the success or failure of the process.

Am I legally bound to comply with the outcomes agreed by both parties in the dispute?

The only outcomes that will be documented are those that have been jointly agreed upon by all disputing parties.

There is no legal impetus upon parties to abide by the agreement however, by agreeing and signing onto the outcomes, you have demonstrated goodwill towards resolving the dispute.

Handy Hints

- Be prepared to put your issues succinctly and focus on the reasons for the dispute.
- Listen to the other parties issues as it may give you an opportunity for agreement.
- Be flexible and focused on an outcome. Consider compromise.
- Use the service to help you to get to where you can comfortably go.

For further information contact your local council or GetYes Solutions Pty Ltd

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INFORMATION BROCHURE ENVIRONMENTAL DISPUTE MEDIATION TRIAL



A Guide to the trial mediation process for environmental disputes in Tasmania

A free service sponsored by Councils and the EPA Board to assist parties to resolve disputes relating to environmental matters. This brochure explains the process for the use of the service.

For more information contact:

Getyes Solutions P/L mediators on 62242622

Or your local council Environmental Health Officer

Or the EPA on 62334028.

WHAT IS MEDIATION?

Mediation is a private process that enables the parties in dispute to explore ways to resolve the dispute to their mutual benefit.

Parties are encouraged to concentrate on their concerns and what they need to move forward. This enables one party to fully understand the other party's position and interests.

The parties will attend at a time agreed by them and a local venue will be provided for the mediation. Any special needs can be discussed with the mediator beforehand.

The process is facilitated by an independent mediator who has no connection with the parties, the Council or the EPA.

The outcome is in the hands of the parties but this can include written agreements.

Should the parties reach agreement this can, if the parties wish it, be shared with any other person. Additionally the Council will need to be notified of the outcome.

THE PROCESS

Once the parties have been in discussion with the Council's EHO and that has not resolved the matter, the EHO, if they believe it is appropriate, can refer it to mediation as follows:

1. The EHO will ask the parties if they are willing to participate in a mediation process to resolve the dispute.
2. A referral will be sent by the EHO to the mediator.
3. The mediator will contact the parties by phone, email or mail to seek an understanding of the issues and the parties positions.
4. At that stage the mediator may explore if the matter can be resolved and if so an Agreement can be drawn up by the mediator for sign off by the parties.
5. If the parties wish the matter to proceed to mediation then the mediator will propose a time, date and place for the mediation. This would normally be face to face but if there are circumstances which make this impossible or inadvisable then an alternative process will be suggested by the mediator.

This will be explained to the parties at that time.

6. At the mediation the parties will be given a process to enable them to discuss their issues and be encouraged to explore options, solutions and outcomes.
7. If the parties reach agreement they will be invited to put this in writing and sign the agreement.
8. They will then be asked whether they wish to share the outcome with any other person. It is a requirement that the Council EHO will be made aware of the outcome.
9. If the parties are unable to reach agreement the mediator will inform the Council EHO that no resolution was reached. It is up to the parties to decide whether they wish to discuss the reasons with the EHO.
10. All mediations are confidential and the mediators do not discuss content with third parties.