

What happens next?

Once both parties have agreed to mediation, they will receive a letter in the mail from the CAB detailing the process. Separate pre-mediation appointments will be arranged for each party. This interview is an opportunity to discuss your specific issues without the other party present.

During pre-mediation, you can ask any questions you may have and raise any matters you are unsure about. The mediator will explain how mediation works so that you are fully prepared.

Following the pre-mediation interviews, the next step is to make an appointment for the mediation. It will be in this meeting that all parties attend together in the presence of two mediators. The CAB uses a co-mediation model, whereby two mediators are present (usually one of each gender) to ensure balance and impartiality.

Further information

For further information, please contact the City's Customer Relations Advocate on **9400 4942** or via email to customer.relations@joondalup.wa.gov.au



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Community Mediation Service



Are you in dispute with a neighbour?

When there is neighbourly disharmony, it can lead to frustration, anger and upset.

It is always advisable to attempt to resolve issues or differences of opinion verbally by talking with the other party and trying to find common ground where issues or disputes can be resolved.

Sometimes communication breaks down or issues cannot be resolved, regardless of the attempts to address concerns or differences of opinion. It is at this point that mediation can assist.

What is mediation?

Mediation is a primary dispute resolution method whereby parties in dispute can meet in the presence of independent and neutral mediators to resolve disputes between parties and negotiate a fair and workable outcome.

The first point of contact for mediation will be the City's Customer Relations Advocate, and the process will be coordinated and conducted by the Citizens Advice Bureau (CAB). The mediation process is guided by two experienced and professionally qualified mediators.

What types of issues can be mediated?

Examples of issues that can be mediated include:

- **Dividing fences**
 - erecting a new fence
 - claiming part payment for a fence erected
 - damage and repair of dividing fences
- **Encroaching roots and branches**
 - overhanging branches into another property
 - roots that encroach into another property
 - cutting/trimming of branches and roots
 - disputes related to damage caused by trees and other plants
- **Dog ownership**
 - dangerous/aggressive dogs
 - dog control
 - persistent barking
 - removal of excreta
- **Public nuisance disputes**
 - high noise levels
- **Cars and car parking problems**
- **Harassment.**

What is the role of the mediators?

The role of the mediators is to provide the parties with an opportunity to discuss their side of the issue, and to help them define the issue/s in dispute. The parties are then assisted to consider options for the future and to reach solutions that may resolve the issue/s in a way that is agreeable to both parties.

How does mediation work?

Mediators are trained to ensure that the mediation process provides assistance to parties to:

- **state their case without interruption**
- **define specific issues in dispute**
- **work through key issues by:**
 - gaining an understanding of the other party's point of view
 - considering options
 - using problem-solving techniques
- **explore areas of agreement**
- **formulate a written agreement in their own words.**

Mediation is focused on the future process and outcomes and does not place blame or find guilt.

The outcome reached is a written agreement. The agreement is not legally binding; however, the agreement can be used as evidence in court should this be necessary at a later date.

Mediators have no power of decision-making and do not impose their decisions or judgements, but will remain impartial and neutral throughout the process.

Mediation is confidential.



Is mediation compulsory for parties in dispute?

No, undertaking mediation is completely voluntary. However, it is strongly encouraged due to its success in reaching positive outcomes for parties in dispute over matters that might otherwise lead to further disagreement or court proceedings.

How much does mediation cost?

Mediation is provided to residents and ratepayers of the City of Joondalup free of charge.

How do I proceed with mediation?

Initiate proceedings (when you want to initiate mediation with a neighbour)

Contact the City's Customer Relations Advocate on **9400 4942** who will discuss the issues or dispute with you. You will be asked questions regarding the issues from your perspective and the history of actions taken to date.

The City will then make contact with the other party or parties involved to offer mediation.

Receiving offer of mediation (when another party has requested mediation with you)

The City will make contact with you to advise that it has received a request from another party to initiate mediation and to request your attendance.

Mediation is voluntary; however, where issues exist between parties, or there is neighbourly disharmony, mediation is a very effective method of working through the issues to reach positive outcomes.

Should you accept, the City will progress the mediation request to the CAB.

