

## REFERRAL FOR MEDIATION

### **What is mediation?**

Mediation is a formal process that can help people who strongly disagree with each other to reach an agreement. In mediation a neutral person, the mediator, sits down with the people who are in dispute to find out why there is a dispute, to help them to think about other options and alternatives, and to try and help them reach an agreement.

### **Who does mediation?**

In NSW, the Community Justice Centre provides a free mediation and conflict management service to people who need it. When the Public Guardian believes that mediation might be useful and the people involved agree, we will make a referral to the Community Justice Centre.

### **Why would the Public Guardian refer people to the Community Justice Centre?**

The Public Guardian wants to make decisions on behalf of the person under guardianship with the help and involvement of the person's close family and friends. Sometimes our ability to do this is affected by arguments or conflict between family members or others close to the person.

Sometimes we think that it would help the person under guardianship for important people in their life to sit down and talk about their disagreements. This can lead to a better situation for the person under guardianship and may help us to make a decision on the person's behalf. In these situations we will consider referring the people in dispute to the Community Justice Centre. Making a referral means that the Public Guardian will, with the permission of those involved, give the Community Justice Centre the contact details of the people who are interested in mediation.

### **What happens when a referral is made?**

After the Public Guardian gives the contact details of the people who are interested in mediation to the Community Justice Centre, someone from the Community Justice Centre will call the people who are disagreeing to discuss the dispute and to decide if mediation would be useful.

### **Do you have to agree to the referral being made?**

The Public Guardian will only give the Community Justice Centre the contact details of those people who are interested in mediation and have agreed to their contact details being given to the Community Justice Centre. However, if after talking to those who agreed to the referral and if the Community Justice Centre believes that mediation could be useful, they may contact the other people involved in the dispute.

## Will the Public Guardian be part of the mediation?

The Public Guardian will not take part in the mediation unless the guardian attends to support the person under guardianship if they are taking part. The Public Guardian will not get a copy of any agreement reached in the mediation unless those involved in the mediation agree to it.

## Will an agreement reached during mediation affect a guardianship decision?

The Public Guardian will take into consideration any agreement reached and support the agreement if it helps the Public Guardian to make a decision that will benefit the person under guardianship.

For more information about guardianship you can contact the **Public Guardian**

Phone: 02 8688 6070 or country callers 1800 451 510  
Fax: 02 8688 9797  
Email: [informationsupport@opg.nsw.gov.au](mailto:informationsupport@opg.nsw.gov.au)  
Post: Public Guardian, Locked Bag 5116 Parramatta NSW 2124  
Website: [www.lawlink.nsw.gov.au/opg](http://www.lawlink.nsw.gov.au/opg)

If you would like more information about mediation or to speak to a Mediation Advisor contact the **Community Justice Centre**

Phone: 1800 990 777  
TTY: 1800 671 964  
Fax: 02 8688 9616  
Email: [cjc\\_sydney@agd.nsw.gov.au](mailto:cjc_sydney@agd.nsw.gov.au)  
Website: [www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)

## Is English your second language?

You can contact the Public Guardian or the Community Justice Centre through the Translating and Interpreting Service (TIS) on 131450. TIS will organise for an interpreter in your language to be on the telephone when you contact us. TIS is a free and confidential service.