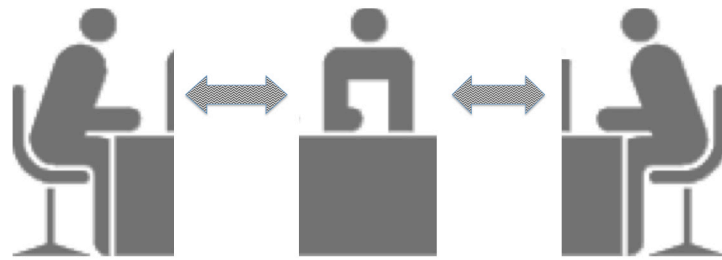


MEDIATION RULES
Additional rules for mediation by video



Mediation is: "The process by which the participants together with the assistance of a neutral person or persons, systematically isolate disputed issues in order to develop options, consider alternatives and reach a consensual agreement that will accommodate their needs."

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Mediation using video

- A. Mediation by video involves the parties using third party software applications and internet service providers for conferencing purposes (“the conference services”). The parties consent to the use of the conference services.
- B. The security of online conferencing depends partly on third parties. Please check the security settings on your computer or device and applications before using them for video conferencing.

Preparation

- C. For the mediation to take place the parties should:-
- Think of the mediation as a work meeting, which needs to be in a quiet place, uninterrupted and with a door that can be closed;
 - Setup the location for the mediation with a clutter-free space, table, chair, paper, pen, documents for the mediation, calendar, water/tea or coffee and tissues;
 - A fixed device, such as a desktop computer, laptop or tablet/phone on a stand provides a more stable image for transmission; a hard-wired internet connection can be better than wifi;
 - Have ear pieces or headphones with a microphone ready to use for clarity and privacy;
 - Make sure your device or computer keyboard and/or mouse with batteries are charged;
 - Have light shining on your face, set the camera up high and fairly close to your face;
 - Have your background still, neutral, not too distracting or “triggering” for a party;
 - Get ready for the mediation at your location well prior to when it is due to start;
 - Dress appropriately as if for work or a work meeting;
 - Arrange supervision for any young children;
 - Check that you have the latest version of the video app on your computer or device;
 - Practice using the conference services before the mediation; give it a test run;
 - While using the conference services, have the faces of the other participants on your screen close to your camera to engage in as much eye contact as possible.
 - When taking a break for tea/coffee or the bathroom turn off video and mute the microphone.

Conduct of the mediation

- D. The Mediator will telephone or send a text message to invite parties to join the mediation.
- E. When a party is not talking the Mediator will mute them to maximise bandwidth.
- F. During private sessions with a party another party must tell the Mediator if they can overhear the private discussions.

- G. Depending on the conference services used and the available bandwidth the mediation may drop out abruptly. The Mediator will attempt to re-establish the conference services but sometimes the mediation may have to be adjourned.
- H. The Mediator will usually call a break every 40 to 50 minutes. During a break the conference services may be quit and the parties invited back after the break. If the conference services are kept on the parties must mute the Mediator and each other and turn off their microphones.
- I. Should there be an unexpected interruption to the mediation, the Mediator will usually call a 10 - minute break in the mediation.
- J. During the mediation the Mediator may look away from the camera. This is usually because the Mediator is taking notes or looking up material.

Confidentiality & safety

- K. While conferencing services have the benefit of convenience there are risks that they are not as safe and confidential as a face-to-face mediation in a controlled physical environment.
- L. The parties are responsible for maintaining confidentiality at their location for the mediation.
- M. The Mediator must keep confidential any observations of a party's location for the mediation.
- N. The parties must tell the Mediator about anyone at their location that will be present or could overhear conversations in the mediation. Any such person must sign the confidentiality agreement in the mediation agreement.
- O. The Mediator may not conduct the mediation or terminate the mediation if not satisfied about the safety and confidentiality arrangements of a party.
- P. From time to time during the mediation the Mediator may ask a party to pan the camera around the room to check who is or is not present.
- Q. The parties must not record preliminary conferences or the mediation. Any recording will be inadmissible in any arbitral or judicial proceeding relating to the Dispute. The party allowing the recording of the mediation will be liable for prosecution for the statutory offence.

Exclusion of liability and indemnity

- R. The Mediator is not liable for any security or confidentiality breach as a result of the use of the conference services. The Mediator is not responsible for the availability or quality of the conference services.
- S. The parties jointly and severally indemnify the Mediator against all claims, except in the case of fraud by the Mediator, arising out of or in any way referable to any act or omission by the Mediator in the use of the conference services.

Costs

- T. The parties are responsible for their own costs of using the conference services.