

Community Justice Centres



Fact sheet – Small Claims

Community Justice Centres (CJC) can help you resolve your dispute quickly and for FREE using mediation.

What is mediation?

Mediation is where people come together to talk about their dispute and, with the assistance of a mediator, work towards a solution.

At CJC mediations, trained mediators help people to understand each other's point of view and achieve an agreement.

The mediators don't take sides. Unlike a magistrate in court, they cannot make a decision about who is right and who is wrong. Instead, they work together with all the people involved in the dispute to reach an agreement that everyone can accept. Mediation involves people coming together to talk about their dispute and trying to reach an agreement that everyone can live with.

How can mediation help in small claims disputes?

Mediators can assist you and the other person/s to reach an agreement to settle the dispute. Reaching an agreement through mediation can avoid the need to attend court again.

Any agreement you reach at mediation is not legally enforceable, but you can have a legally enforceable agreement when certain procedures are followed: see fact sheet '**Are CJC agreements enforceable?**'

Alternatively, if you want court orders to reflect the agreement, you can include in your agreement a clause stating that it can be shown to the court. The court will consider the clauses in the agreement and may make orders containing those terms. This gives your agreement legal force and means action may be taken against you for breaching the terms of the order.

Do I need a lawyer?

Lawyers are not required as mediation is not a legal process.

Mediation is an opportunity for you to: talk directly with the other person/s; make your own decisions; and, save time and money. However, if you would like your lawyer to attend, you will need to discuss this with our staff.

Before the mediation session

Because you will be negotiating on your own behalf, it is important that you understand what your legal rights and responsibilities are before the mediation session.

Although you may decide not make your agreement reflect those legal rights and responsibilities, you do need to understand your options and possibilities.

Your options to obtain this information will be explained when you contact CJC to arrange a mediation session.

When you come to the mediation session

When you come to the mediation session, bring along with you any receipts, bills, reports, plans, diagrams or documents relating to the dispute. This is to help you and the other person/s clarify the issues and to be specific about what you want and why you want it. It is not to enable the mediators to make decisions or recommendations. The mediators will not look at any documents.

Any agreement you make will be one that suits both of you. The agreement may include things other than money, and could include times and dates for payment, work to be carried out and other matters. 'Support people' may attend if required, though they do not participate in the session.

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Small claims mediation sessions take approximately two (2) hours, so please ensure you have sufficient time available when attending a session.

Who can come to mediation?

All people involved in the dispute would be encouraged to attend and participate. People who are involved in making decisions should attend.

Witnesses are not necessary as the mediators are not there to make judgements. We ask that you do not bring your children. Lawyers are not required, as mediation is not a legal process, but if you would like a lawyer to attend, please discuss this with our staff.

For more information

Visit the website www.cjc.justice.nsw.gov.au

Freecall: 1800 990 777

Email: cjc@justice.nsw.gov.au

If you are deaf or have a hearing impairment or speech impairment, contact us through the National Relay Service on 1800 555 677 and ask for 1800 990 777