# Authority to participate in VSBC mediation

For the mediation to proceed and succeed, the parties must ensure the **mediation is attended by a person who:**

* has comprehensive knowledge of the matter;
* is authorised to make decisions on their behalf; and
* has authority to enter into a settlement agreement in relation to all matters raised on the day.

Parties will need to provide the following information to the Dispute Resolution Officer (DRO) handling their dispute:

1. **the name and the title/role of the person(s) who will be attending the mediation with authority to enter into and sign terms of settlement in relation to all matters raised on the day; and**
2. **other person(s) who will be attending the mediation and their title/role.**

*Where a party is a company, it will attend the mediation through its authorized officers with capacity to make decisions and to enter into binding terms of settlement. It is a matter for the company to determine who are its authorized officers for the purposes of the mediation and to ensure that the authority is properly granted. Particular care must be taken where the person to be authorized is not a director or secretary of the company. It is suggested the company carefully consider the applicability of s.127 of the Corporations Act 2001 (Cth) (*[*http://www5.austlii.edu.au/au/legis/cth/num\_act/ca2001172/s127.html*](http://www5.austlii.edu.au/au/legis/cth/num_act/ca2001172/s127.html) *), the provisions of its constitution (if any) and other corporate documents that may be relevant to its authority.*

* **A mediation date will not be arranged until this information is received by the DRO; and**
* **It is the parties’ responsibility to ensure that they have, and have provided, the requisite and proper authority. This is important because the information given in response will be accepted by this Office as constituting the authority.**

If the mediation cannot proceed on the day because a party incorrectly stated they had full authority, then a certificate may be issued noting that party refused to mediate. This may have cost consequences for this party if the matter proceeds to the Victorian Civil and Administrative Tribunal (VCAT).

A mediation cancellation fee ($900 half day/$1350 whole day) may also be charged in the event the mediation cannot proceed due to a party's attendance without full authority.

After the parties have provided the authority information, the file will be referred to the Mediation Services Team who will contact the parties **within five days** to arrange the mediation date.

The mediation will normally be scheduled within two to three weeks depending on the availability of a mediator and rooms. Unless otherwise agreed, a half day mediation session will be arranged.