

LEGISLATIVE COUNCIL

Read 1° 7 April 1987

(Brought in by the Honourable J. H. Kennan)

A BILL

relating to mediation centres, to amend the *Evidence Act* 1958 and for other purposes.

Evidence (Neighbourhood Mediation Centres) Bill

The Parliament of Victoria enacts as follows:

Purpose.

1. The purpose of this Act is—

- 5
- (a) to make certain provisions for the operation of neighbourhood mediation centres; and
 - (b) to make further provision in relation to family mediation centres.

Commencement.

2. This Act comes into operation on a day or days to be proclaimed.

10 **Principal Act.**

3. In this Act, the *Evidence Act* 1958 is called the Principal Act.

No. 6246.
Reprinted to
No. 9945 and
amended by
Nos. 10074,
10084, 10087,
10191, 10231,
10257, 16/1986,
37/1986,
101/1986,
110/1986,
117/1986
and 127/1986.

New Division 8 inserted in Part I.

4. (1) After Division 7 of Part I of the Principal Act, insert—

“Division 8—Neighbourhood Mediation Centres”**Definitions.**

‘21K. In this Division—

5

“**Neighbourhood mediation centre**” means an organisation declared by Order of the Governor in Council to be a neighbourhood mediation centre.

“**Neighbourhood mediator**” means a person who is declared, by notice by the Secretary to the Attorney-General’s Department published in the *Government Gazette*, to be a neighbourhood mediator.’

10

Admissions etc. at mediation conferences.

“21L. Evidence of anything said or of any admission or agreement made at, or of any document prepared for the purpose of, a conference with a neighbourhood mediator in connection with a neighbourhood mediation centre is not admissible in any court or legal proceeding, except with the consent of all persons who were present at that conference.”

15

Confidentiality.

20

“21M. (1) A person who is or has been—

(a) a neighbourhood mediator; or

(b) a member or employee of a neighbourhood mediation centre; or

(c) a person working with or for a neighbourhood mediation centre (whether or not for fee or reward)—

25

shall not communicate to any other person or publish any information or document acquired by the person by reason of being such a mediator, member, employee or person unless the communication or publication—

30

(d) is made with the consent of the person from whom the information or document was obtained; or

(e) is made for the purposes of evaluating the operation and activities of neighbourhood mediation centres and does not disclose the identity of any person without his or her consent; or

35

(f) is made by a person who reasonably considers that it is necessary to disclose the information or document for the purpose of preventing or minimising injury or damage to any person or property.

40

Penalty: 20 penalty units.”

Exoneration from liability.

“21N. A matter or thing done in good faith for the purpose of a conference with a neighbourhood mediator by a person who is—

- 5 (a) a neighbourhood mediator; or
 (b) a member or employee of a neighbourhood mediation centre; or
 (c) a person working with or for a neighbourhood mediation centre (whether or not for fee or reward)—

does not subject the person to any action, liability, claim or demand.”.

- 10 (2) The amendment of the Principal Act by sub-section (1) continues in force until 31 December 1990 and after that date the Principal Act has effect as if it had not been amended by sub-section (1).

Family mediation centres.

- 15 5. In section 21J of the Principal Act, after “agreement made at” insert “or of any document prepared for the purpose of”.

