

A guide to confidentiality

What is protected, what is not, and what it means for you.

Why confidentiality matters in mediation

Mediation only works if people feel safe to speak honestly. Confidentiality is what makes that possible. This guide explains what is protected, what is not, and what you can reasonably expect when you participate in a mediation with Macquarie Mediation.

What is confidential

- Everything said during mediation sessions, including intake sessions, is confidential.
- Documents shared during the mediation process are confidential.
- Notes taken by the mediator during sessions are confidential.
- The fact that mediation is taking place is generally confidential, unless both parties agree otherwise.
- Any offers or concessions made during the process cannot be used as admissions in later proceedings.

The legal framework

In Australia, mediation confidentiality is supported by the National Mediation Accreditation Standards and, depending on context, by specific legislation such as the Evidence Act. In most circumstances, neither party can compel the mediator to give evidence about what occurred in mediation.

The limits of confidentiality

Confidentiality is not absolute. There are circumstances where the mediator is legally or ethically required to act, regardless of the confidential setting:

- If there is a risk of harm to any person, including the parties themselves.
- If a child is at risk of abuse or neglect (mandatory reporting obligations apply).
- If there is a legal obligation to disclose, such as a court order.
- If the parties jointly agree to disclose certain information.

Taz will explain these limits clearly at the start of every mediation session, before any substantive discussion begins.

How your personal information is handled

Information you provide when making an enquiry or participating in mediation is used only to support your matter. It is not shared with third parties for any other purpose. Records are stored securely and retained only as long as needed to meet professional and legal obligations.

Agreements reached in mediation

Where parties reach an agreement, it is written up and provided to both parties. The content of that agreement is not confidential unless the parties choose to keep it so. Many parties agree to keep the terms private, but this is a decision you make together, not something imposed.

Questions about confidentiality

If you have specific concerns about confidentiality before you decide to proceed, please raise them in the initial call. Taz is happy to talk through any aspect of this in plain English before you commit to anything.

"Confidentiality is not a technicality. It is the foundation that makes an honest conversation possible."