

## VSBC policy for mediation fees

The Victorian Small Business Commission (VSBC) is an independent government agency that advocates on issues affecting small business, educates people in small business about their rights and responsibilities, and helps them to avoid or resolve disputes. This policy sets out fee structures for mediations arranged by the VSBC under the Acts we administer, namely the ***Small Business Commission Act 2017, Retail Leases Act 2003, Owner Drivers and Forestry Contractors Act 2005, Farm Debt Mediation Act 2011*** and ***Commercial Passenger Vehicle Industry Act 2017***.

Mediations can be arranged as **half-day** or **full day** sessions. The VSBC decides whether a half or a full day session is required. Mediations can be held at the VSBC, another venue in metropolitan Melbourne or in regional or rural Victoria. In certain circumstances, mediations can be arranged interstate or via tele/video conference.

When conducting mediations involving **total travel of more than 80km** (i.e. a total of 80 km for a return trip), mediators are to discuss proposed travel and accommodation with the VSBC beforehand. In these instances, the VSBC reimburses mediators for their travel expenses and any necessary accommodation, in accordance with the [Victorian Public Service Travel Policy](#).

Mediators who live more than 80 km from the VSBC office can be appointed to the metropolitan panel and conduct mediations at our office but will not be reimbursed for travel.

If travelling by car, the rate is **68 cents per kilometre**. If public transport is used, the cost of the ticket is reimbursed.

If only one mediation is arranged at a regional or rural venue and over 80km are travelled, it is treated as a full day session. However, if the mediator is appointed to conduct two separate mediation sessions at the same venue on the same day, they are each treated as half-day sessions and only one set of travel and accommodation expenses (if applicable) is reimbursed.

**All invoices must be submitted promptly by mediators via email to [fiona.trisnadi@vsbc.vic.gov.au](mailto:fiona.trisnadi@vsbc.vic.gov.au) and be addressed to:**

Victorian Small Business Commission  
c/- Accounts Payable  
DJPR  
Level 2/121 Exhibition Street  
MELBOURNE VIC 3000

***Please note: DJPR (the Department of Jobs, Precincts and Regions) must be included in the address.***

## 1. Half-day session scheduled

### 1.1 Mediation fee structure: SBCA, RLA and FDMA

The following fees apply to mediations the VSBC arranges as half-day sessions under the SBCA, RLA and FDMA. If mediation scheduled as a half-day session goes over the scheduled time, no additional fee will be paid to the mediator.

	Travel < 80km	Regional or rural location and travel > 80km
<b>Total fee</b> paid to the mediator per mediation session <i>N.B. the mediator submits the invoice for this amount to the VSBC.</i>	\$900 (Fee \$818.18 + GST \$81.82)	\$1,350 (Fee \$1,227.27 + GST \$122.73)
Amount paid by each party per mediation session <i>N.B. paid to the VSBC before or on the day of mediation</i>	\$195 (Fee \$177.27 + GST \$17.73)	\$195 (Fee \$177.27 + GST \$17.73)
*The VSBC's contribution per mediation session	\$510 (Fee \$463.64 + GST \$46.36)	\$960 (Fee \$872.73 + GST \$87.27)

\*Applicable to mediations involving two paying parties. If a third paying party participates in the mediation, the amount the VSBC pays is reduced by the amount this additional party pays. In matters involving more than three parties, determination of payment arrangements will be at the VSBC's discretion.

### 1.2 Mediation fee structure: ODFCA and commercial passenger vehicle (CPV) disputes

The following fees apply to mediations the VSBC arranges as half-day sessions under the ODFCA and for CPV disputes. If mediation scheduled as a half-day session goes over the scheduled time, no additional fee will be paid to the mediator.

	Travel < 80km	Regional or rural location and travel > 80km
<b>Total fee</b> paid to the mediator per mediation session <i>N.B. the mediator submits the invoice for this amount to the VSBC.</i>	\$900 (Fee \$818.18 + GST \$81.82)	\$1,350 (Fee \$1,227.27 + GST \$122.73)
Amount paid by each party per mediation session <i>N.B. paid to the VSBC before or on the day of mediation</i>	\$95 (Fee \$86.36 + GST \$8.64)	\$95 (Fee \$86.36 + GST \$8.64)
*The VSBC's contribution per	\$710	\$1,160

mediation session	(Fee \$645.45 + GST \$64.55)	(Fee \$1,054.55 + GST \$105.45)
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\*Applicable to mediations involving two paying parties. If a third paying party participates in the mediation, the amount paid by the VSBC is reduced by the amount paid by this additional party. In matters involving more than three parties, determination of payment arrangements will be at the VSBC's discretion.

## 2. Full day session scheduled

### 2.1 Mediation fee structure: SBCA and RLA

The following fees apply to mediations the VSBC arranges as a full day session under the SBCA or RLA, regardless of location and travel time.

<b>Total fee</b> paid to the mediator per mediation session <i>N.B. the mediator submits the invoice for this amount to the VSBC.</i>	\$1,350 (Fee \$1,227.27 + GST \$122.73)
Amount paid by each party per mediation session (twice the half-day rate) <i>N.B. paid to the VSBC before or on the day of mediation.</i>	\$390 (Fee \$354.55 + GST \$35.45)
*The VSBC's contribution per mediation session	\$570 (Fee \$518.18+ GST \$51.82)

\*Applicable to mediations involving two paying parties. If a third paying party participates in the mediation, the amount paid by the VSBC is reduced by the amount paid by this additional party. In matters involving more than three parties, determination of payment arrangements will be at the VSBC's discretion.

### 2.2 Mediation fee structure: FDMA

The following fees apply to mediations the VSBC arranges as a full day session under the FDMA, regardless of location and travel time.

<b>Total fee</b> paid to the mediator per mediation session <i>N.B. the mediator submits the invoice for this amount to the VSBC.</i>	\$1,350 (Fee \$1,227.27 + GST \$122.73)
Amount paid by each party per mediation session <i>N.B. paid to the VSBC before or on the day of mediation.</i>	\$195 (Fee \$177.27 + GST \$17.73)
*The VSBC's contribution per mediation session	\$960 (Fee \$872.73 + GST \$87.27)

\*Applicable to mediations involving two paying parties. If a third paying party participates in the mediation, the amount paid by the VSBC is reduced by the amount paid by this additional party. In matters involving more than three parties, determination of payment arrangements will be at the VSBC's discretion.

### 2.3 Mediation fee structure: ODFCA and CPV disputes

The following fees apply to mediations the VSBC arranges as a full day session under the ODFCA and for CPV disputes, regardless of location and travel time.

<b>Total fee</b> paid to the mediator per mediation session <i>N.B. the mediator submits the invoice for this amount to the VSBC.</i>	\$1,350 (Fee \$1,227.27 + GST \$122.73)
Amount paid by each party per mediation session (twice the half-day rate) <i>N.B. paid to the VSBC before or on the day of mediation.</i>	\$190 (Fee \$172.73 + GST \$17.27)
*The VSBC's contribution per mediation session	\$970 (Fee \$881.82 + GST \$88.18)

\*Applicable to mediations involving two paying parties. If a third paying party participates in the mediation, the amount paid by the VSBC is reduced by the amount paid by this additional party. In matters involving more than three parties, determination of payment arrangements will be at the VSBC's discretion.

### 3. Payment of mediation fees by the parties

The amount of the mediation fee to be paid by the parties is addressed in the communication between the dispute resolution officer and the parties during the preliminary assistance phase. This amount is then confirmed in the invitation sent to the parties by the mediation services team advising all mediation arrangements. Parties can pay on the day of mediation or over the phone beforehand. Parties can pay the fee using MasterCard or VISA or by cheque payable to the VSBC. Mediators may discuss the duration of a scheduled mediation with the Senior Mediation Officer if it appears that a half-day session will be insufficient.

### 4. GST

If a mediator is not registered for GST they must invoice the VSBC for the relevant mediation fee excluding GST.

### 5. Waiving mediation fees

A party can apply for a waiver of mediation fees if they hold a current concession card (Health Care Card, Pensioner Concession Card, or Commonwealth Seniors Health Card) or if they can prove that the payment of the mediation fee would cause them financial hardship. In instances where mediation fees are waived, the VSBC will pay the mediator the total fee, as per the above schedules.

To apply for a mediation fee waiver, they will need to submit an **Application for fee waiver for mediation arranged by the VSBC** and provide relevant **documentary evidence to support their claim**. When the issue of waiving the mediation fees is raised by the parties, the mediation services team or dispute resolution officer managing the file will send a copy of the fee waiver application to the party.

If documentary evidence to support a financial hardship claim is provided and the party is a Centrelink recipient, the VSBC will approve the fee waiver. If the party is not a Centrelink recipient but has provided documentary evidence to support a financial hardship claim, the

VSBC may approve or decline the fee waiver. The VSBC will advise the party of the outcome of their application.

Waiving the mediation fee for one party due to financial hardship does not mean the fee will be waived for the other party(ies) involved in the same mediation.

## 6. Cancellation fees

If the mediation session is cancelled more than five working days (including the day of the mediation) before the scheduled date, no cancellation fees are paid except in the case of a 'no-show' on the day of mediation. In these cases, the mediator will be entitled to the portion of the fees that would have been paid by the VSBC had the mediation session been conducted, as per the above schedules.

If the mediation session is cancelled or rescheduled at the request of the mediation parties within five working days before mediation (including the day of the mediation), the party initiating the cancellation/reschedule will be requested to pay the full fee for that session to the mediator, as per the above schedules. If all the parties request the cancellation/reschedule, the cancellation fee is shared between the parties.

The mediator may send an invoice for the cancellation fee to the relevant party(ies). **The VSBC does not have a role in pursuing the payment of the late cancellation fee to the mediator. Other than forwarding the initial request, the VSBC should not be involved in any communications between the parties and the mediator in relation to this payment.**

However, in relation to mediation sessions cancelled within five working days of the scheduled date, if the reason for the cancellation is a settlement of the dispute, no cancellation fee is paid by the parties. If the VSBC is unable to arrange a replacement mediation session for the mediator on the same day and time, the mediator will be entitled to the portion of the fees that would have been paid by the VSBC had the mediation session been conducted, as per the above schedules.

The mediation may be cancelled in less than five working days because of unexpected circumstances (e.g. illness, death, accident) affecting one of the parties or their immediate family. The affected party will need to provide relevant documents to verify the circumstances before the cancellation fee can be waived. If the VSBC is unable to arrange a replacement mediation session for the mediator on the same day and time, the mediator will be entitled to the portion of the fees that would have been paid by the VSBC had the mediation session been conducted, as per the above schedules.