

Mediation Fee Policy

This policy sets out fee structures for mediations arranged by the Victorian Small Business Commission (VSBC) under the:

Small Business Commission Act 2017 (SBCA)

Retail Leases Act 2003 (RLA)

Farm Debt Mediation Act 2011 (FDMA)

Owner Drivers and Forestry Contractors Act 2005 (ODFCA)

Transport (Compliance and Miscellaneous) Act 1983 (Taxi Disputes)

Mediations can be arranged as half-day or full day sessions. The decision on whether a half or a full day session is required rests with VSBC. No additional fee will be paid if mediation scheduled as a half-day session goes over the scheduled time.

Mediations can be arranged at VSBC, other venue in Metropolitan Melbourne or in Regional Victoria. Under certain circumstances, VSBC mediation can be arranged interstate.

When conducting mediations involving total travel of more than 80 km in both directions (travel to and from the venue), mediators are reimbursed for their traveling expenses and any necessary accommodation.

If travelling by car, the rate is **66 cents per kilometre.**

If public transport is used, the cost of the ticket is reimbursed.

If only one mediation is arranged at a regional venue and over 80 km 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 submitted by mediators are to be addressed to:

NOTE: The name of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) has to be included in the address.

Victorian Small Business Commission
c/- Accounts Payable
DEDJTR
Melbourne Bourke Street
PO Box 18322
COLLINS STREET EAST VIC 8003

1. Half-day session scheduled

1.1 Mediation Fee Structure – SBCA, RLA and FDMA

Applies to mediations arranged by VSBC under the SBCA, RLA or FDMA as half-day sessions. No additional fee will be paid if mediation scheduled as a half-day session goes over the scheduled time.

Total fee paid to mediator per mediation session (invoice for this amount is submitted to VSBC by the mediator)	\$900 (Fee \$818.18 + GST \$81.82)	\$1,350 (Fee \$1,227.27 + GST \$122.73)
Amount paid by each party per mediation session (paid to VSBC before or on the day of the mediation)	\$195 (Fee \$177.27 + GST \$17.73)	\$195 (Fee \$177.27 + GST \$17.73)
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 VSBC share is reduced for the amount paid by this additional party. In matters that involve more than 3 parties it will be at the discretion of VSBC to determine the payment arrangements.

1.2 Mediation Fee Structure – ODFCA and Taxi Disputes

Applies to mediations arranged by VSBC for disputes under the ODFCA, as well as for taxi disputes, as half-day sessions. No additional fee will be paid if mediation scheduled as a half-day session goes over the scheduled time.

	Travel < 80km	Regional location and travel >80 km
Total fee paid to mediator per mediation session (invoice for this amount is submitted to VSBC by the mediator)	\$900 (Fee \$818.18 + GST \$81.82)	\$1,350 (Fee \$1,227.27 + GST \$122.73)
Amount paid by each party per mediation session (paid to VSBC before or on the day of the mediation)	\$95 (Fee \$86.36 + GST \$8.64)	\$95 (Fee \$86.36 + GST \$8.64)
VSBC's contribution per mediation session*	\$710 (Fee \$645.45 + GST \$64.55)	\$1,160 (Fee \$1,054.55 + GST \$105.45)

*Applicable to mediations involving two paying parties. If a third paying party participates in the mediation, the VSBC share is reduced for the amount paid by this additional party. In matters that involve more than 3 parties it will be at the discretion of VSBC to determine the payment arrangements.

2. Full day session scheduled

2.1 Mediation Fee Structure – SBCA and RLA

Applies to mediations arranged by VSBC for disputes under the SBCA or RLA as a full day session regardless of location and travel time required.

Total fee paid to mediator per mediation session (invoice for this amount is submitted to VSBC by the mediator)	\$1,350 (Fee \$1,227.27 + GST \$122.73)
Amount paid by each party per mediation session (paid to VSBC before or on the day of the mediation) = twice the half-day rate	\$390 (Fee \$354.55 + GST \$35.45)

*Applicable to mediations involving two paying parties. If a third paying party participates in the mediation, the VSBC share is reduced for the amount paid by this additional party. In matters that involve more than 3 parties it will be at the discretion of VSBC to determine the payment arrangements.

2.2 Mediation Fee Structure - FDMA

Applies to mediations arranged by VSBC under the FDMA as a full day session regardless of location and travel time required.

Total fee paid to mediator per mediation session (invoice for this amount is submitted to VSBC by the mediator)	\$1,350 (Fee \$1,227.27 + GST \$122.73)
Amount paid by each party per mediation session (paid to VSBC before or on the day of the mediation)	\$195 (Fee \$177.27 + GST \$17.73)
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 VSBC share is reduced for the amount paid by this additional party. In matters that involve more than 3 parties it will be at the discretion of VSBC to determine the payment arrangements.

2.3 Mediation Fee Structure – ODFCA and Taxi Disputes

Applies to mediations arranged by VSBC for disputes under the ODFCA, as well as for taxi disputes, as a full day session, regardless of location and travel time required.

Total fee paid to mediator per mediation session (invoice for this amount is submitted to VSBC by the mediator)	\$1,350 (Fee \$1,227.27 + GST \$122.73)
Amount paid by each party per mediation session (paid to VSBC before or on the day of the mediation) = twice the half-day rate	\$190 (Fee \$172.73 + GST \$17.27)
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 VSBC share is reduced for the amount paid by this additional party. In matters that involve more than 3 parties it will be at the discretion of VSBC to determine the payment arrangements.

4. 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 management officer (DMO) and the parties during the preliminary assistance phase. Subsequently, it is confirmed in the invitation sent to the parties by the Mediation and Executive Services Team advising all mediation arrangements. Parties can pay the fee using MasterCard or VISA either on the day of the mediation, or over the phone before the day of the mediation. They can also pay by cheque payable to VSBC or by cash. Handling of the mediation fees is covered in the *VSBC Mediation Fee Revenue Process* document (TRIM Reference: DSDBI/DOC/15/225835).

5. Waiving Mediation Fees

Parties can apply for a waiver of the 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. To apply for a mediation fee waiver, they will need to submit an **Application for FEE WAIVER for mediation arranged by the Victorian Small Business Commission** and provide relevant **documentary evidence to support their claim**.

When the issue of waiving the mediation fees is raised by the parties, the DMO managing the file will send a copy of the fee waiver application to the party.

If they provide documentary evidence to support their financial hardship claim and it is a Centrelink recipient, the relevant Team Leader will approve the fee waiver.

If the party is not a Centrelink recipient, but has provided documentary evidence to support their financial hardship claim, the DMO will recommend to the Commissioner to either approve or decline the fee waiver. The DMO will then communicate to the party the Commissioner's decision.

The DMO should save copies of both the application and the decision under the relevant file number in TRIM as well as create a diary note in the VSBC Database.

Waiving the mediation for one party due to financial hardship, does not instigate an automatic waiver for the other party/ies involved in the same mediation.

6. Cancellation Fees

No cancellation fees are paid if the mediation is cancelled more than 5 working days before the mediation date.

If the mediation session is cancelled or rescheduled on the request of the mediation parties in less than 5 (five) working days before the mediation, the full mediation fee for that mediation session, as per the schedules above, is to be paid to the mediator by the party initiating the cancellation/reschedule. If all the parties request the cancellation/reschedule, the cancellation fee is shared between the parties. The mediator will send an invoice for the cancellation fee to the relevant party(ies). VSBC does not have a role in pursuing the payment of the late cancellation fee to the mediator and should not be involved in any communications between the parties and the mediator in relation to this payment.

However, if the reason for the cancellation of the mediation session in less than 5 (five) working days before the mediation is a settlement of the dispute, no cancellation fee is paid by the parties. If VSBC is unable to arrange a replacement mediation session on the same day and time, the mediator will be entitled to the portion of the fees paid by VSBC, that would have been paid if the mediation session had been conducted (as per the schedules above).

The mediation may be cancelled in less than 5 working days because of unexpected circumstances (eg illness, death, accident) affecting one of the parties or their immediate family. The affected party will need to provide relevant documents to prove the unprecedented circumstances and the cancellation fee will be waived. If VSBC is unable to arrange a replacement mediation session on the same day and time, the mediator will be entitled to the portion of the fees paid by VSBC, that would have been paid if the mediation session had been conducted (as per the schedules above).