

# Application for mediation of a small business dispute

## Who are we?

The NSW Small Business Commission (NSWSBC) provides information and advice to lessees, lessors, and anyone else involved in a small business disputes. We organise mediations between parties, if the dispute cannot be otherwise settled.

## Resolving a small business dispute

### Negotiate

Gather the information to inform the other party of the details of this dispute.

Discuss the problem with the other party and try to negotiate a settlement of the dispute. You may also like to talk to a solicitor or business advisor.

### Mediate

Whether your dispute involves another business, or a government agency or authority, we can help you to resolve the problems by talking to the other side.

## What is mediation?

Mediation is an informal process where parties try to negotiate a lasting agreement that both parties can live with.

An impartial mediator will help parties settle the dispute in a way that is acceptable to all parties. The mediator is not a judge, and has no power to decide the matter or impose a resolution on anyone.

Mediation is confidential. Nothing said in mediation can be used in court.

Mediation is cheaper, quicker and often less stressful than going to court.

## After you submit an application

1. We will discuss the matter with you to gain a better understanding of your issue.
2. We will contact the other party in your issue and ask that they consider the relevant information provided.
3. We will let you know the outcome of this.
4. If the parties require or request formal mediation, we will arrange a mediator to assist at a date and time that is suitable for all parties, as required.

## Applying for mediation

1. Fill out this application form
2. Attach your lease, disclosure statement, contract or agreement between the parties and any other relevant documents
3. Email: [we.assist@smallbusiness.nsw.gov.au](mailto:we.assist@smallbusiness.nsw.gov.au) or  
Mail: NSW Small Business Commission  
PO Box W275 Parramatta NSW 2150

## Cost

The cost of the mediator is shared equally between the parties. Each party will be asked to pay \$608 (incl. GST) for the mediation.

Parties may be asked to pay further fees if the mediation goes over 4 hours.

Please note that there is a cancellation fee of \$456 unless we have at least 3 working days notice before the scheduled mediation.

If you or the other party need an interpreter at the mediation we will arrange one for you free of charge, upon request. We can also assist with other special needs if you let us know prior to the mediation.

## For more information

Visit our website: [www.smallbusiness.nsw.gov.au](http://www.smallbusiness.nsw.gov.au)

If you need an interpreter call 131 450 and ask them to contact us on 1300 795 534.

## 1. Applicant's details (Your details)

### Applicant (as per lease or agreement)

Company name(s) / Trading name(s)

Include ABN / ACN if applicable

Contact first name

Contact last name

### Does applicant have an Agent / Representative?

Yes

No

Agent / Representative company name(s)

Contact first name

Contact last name

### Does applicant have a solicitor?

Yes

No

Solicitor / Firm name(s)

Contact first name

Contact last name

### Who is the best person to contact to discuss this application on your behalf?

(Please provide full contact details)

Company name(s)

Contact first name

Contact last name

Shop / Unit No.

Street No.

Street name

Suburb

Postcode

Phone number

Fax number

Email address

### What is their role?

Small Business Operator

Agent

Solicitor

Other (specify)

Do you require an interpreter? If yes, which language?

## 2. Respondent's details (The other person / Company)

### Respondent

Company name(s) / Trading name(s)

Include ABN / ACN if applicable

Contact first name

Contact last name

Does respondent have an Agent / Representative?

Yes

No

Agent / Representative name(s)

Contact first name

Contact last name

Does respondent have a solicitor?

Yes

No

Solicitor / Firm name(s)

Contact first name

Contact last name

Who is the best person to contact to discuss this application on behalf of the respondent (other side)?  
(Please provide full contact details)

Company name(s)

Contact first name

Contact last name

Shop / Unit No.

Street No.

Street name

Suburb

Postcode

Phone number

Fax number

Email address

What is their role?

Small Business Operator  Agent  Solicitor  Other (specify)

Do you require an interpreter? If yes, which language?

### 3. Details of the business

#### Principal place of business

Shop / Unit No.

Street No.

Street name

Suburb

Postcode

Type of business:

#### What is the dispute about? What issues would you like to raise at mediation?

NB All details provided on this application form will be provided to the respondent(s)  
(Attach extra pages if necessary)

#### What do you hope to achieve from mediation? How would you like the dispute to be resolved?

Attach extra pages if necessary

Total amount of claim

\$

#### 4. Attachments

You should attach a copy of the lease and other documents which are relevant to the dispute.

**Please label each attachment with letters A, B, C, etc.**

List the attachments below, or attach extra pages if necessary

#### 5. Declaration

I hereby declare the following:

- The information provided in this application form is true and accurate so far as I am aware;
- I am legally authorised to sign this application for and on behalf of the applicant;
- I undertake to pay my share of the costs of the mediator on the day of mediation, and;
- I consent to my application and attached documents being provided to the other party and the mediator under section 26(2) of the *Privacy and Personal Protection Act 1998* (NSW).

First name

Last name

Position / Authority

Signature

Date

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#### Please send completed form to:

Email: [we.assist@smallbusiness.nsw.gov.au](mailto:we.assist@smallbusiness.nsw.gov.au)

or

Mail: NSW Small Business Commission  
PO Box W275 Parramatta NSW 2150

#### Contact information:

NSW Small Business Commission

**Hours** 8:30am – 5:00pm Monday to Friday

**Website** [www.smallbusiness.nsw.gov.au](http://www.smallbusiness.nsw.gov.au)

If you need an interpreter call 131 450 and ask them to contact us on 1300 795 534.

#### Privacy policy

The information you have provided in this form will be collected and used by the NSW Small Business Commission for the purpose of responding to your enquiry. Providing personal information is not required by law but if I choose not to provide the requested information, the NSW Small Business Commission will not be able to contact me about my enquiry. I can request access to any of my personal information held by the NSW Small Business Commission at any time by asking to speak to their Privacy Coordinator.