



Completing the online mediation application form: answers to frequently asked questions

What types of applications can I choose from, and what do they mean?

Application for mediation of a lease or bond dispute

This is mediation for an issue relating to a retail or commercial lease, including retail bonds

Mediation is a less formal process where parties try to negotiate a lasting agreement that both parties can live with. Mediation is confidential. Nothing said in mediation can be used in court. Mediation is cheaper, quicker, and less stressful than going to court. Mediation for retail tenancy disputes must be attempted prior to a court determination.

Application for mediation of a small business dispute

This is mediation for an issue relating to a contract or dispute involving a small business

Mediation is a less formal process where parties try to negotiate a lasting agreement that both parties can live with. Mediation is confidential. Nothing said in mediation can be used in court. Mediation is cheaper, quicker, and less stressful than going to court. Courts will usually ask parties to consider out-of-court settlement before having their matter heard and determined.

Application for appointment of a specialist retail valuer

Under section 31 of the Retail Leases Act 1994, the Registrar of Retail Tenancy Disputes can appoint a Specialist Retail Valuer to determine the market rent when a current market rent is called for under a retail lease.

Review a specialist retailer valuation

Under section 32A of the Retail Leases Act 1994, the Registrar of Retail Tenancy Disputes can appoint two Specialist Retail Valuers to conduct a review of the determination of the market rent made by a Specialist Retail Valuer.

What are the costs associated with my application?

There is no application fee for any of our application types, and no case management fees for time spent with a mediation officer.

Application for mediation of a lease or bond dispute / Application for mediation of a small business dispute

Most matters that are registered for mediation will find a resolution prior to the formal appointment of a mediator and setting a mediation conference date.

Interpreters can also be arranged at no cost to the parties, if required.

When a mediation conference is scheduled, a venue (or virtual meeting room) will be provided at no cost to the parties.

Each party will pay \$330 including GST for the mediation conference. If the mediation continues beyond the allocated 4 hours, each party will be asked to pay additional fees. Additional hours are charged at \$152 (including GST) per hour per party.



Application for appointment of a Specialist Retail Valuer / Application for review of a Specialist Retail Valuer determination

The cost of the determination or review is shared between the parties.

A Specialist Retail Valuer determination is different to other types of valuations as it requires a considerable amount of work and expertise.

The cost of a determination relates to the complexity and volume of work required. You should expect your share to be between \$1500 and \$5000.

For a review of a determination, costs are shared equally, unless the reviewed determination is within 10% of the original determination. In that case, the party who applied for the review will pay the total cost of the review.

The total cost of the review is expected to be between \$6000 and \$20000.

What is my “Applicant Type”?

For any of our application types that involve a lease, you will be asked your “Applicant Type”, with the options being Lessee and Lessor.

“Lessee” is the tenant, sub-tenant, licensee, or any guarantor, administrator, or other person that is connected to the tenant.

“Lessor” is the landlord, head lessor, sub-lessor, mortgagee, administrator, or other person that is connected to the owner of the property.

What do I put for “Business Name” if I don’t have one?

You can use the “Business Name” section to enter names of individuals, trusts, or any form of legal entity. Examples of a business name:

- Ian, Jane, and Jennifer Dubrovnik
- Peter James and Emily Chan
- Abram Pty Ltd atf the Ngo Family Trust
- Babooshka Pty Ltd

Contact details should be provided for one person who can speak to a mediation officer about the matter, on behalf of the legal entity

The online form is not accepting what I type into it - what do I do?

When entering telephone numbers, just use numbers, not letters or other symbols.

When entering an email address, it will need to have an “@” symbol.

If you do not know the answer to a question, leave the relevant field blank, unless it is a mandatory question marked with an asterisk. We will do our best to assist you to complete the form after the matter is assigned to a mediation officer. However, it is best if you complete as many fields as possible before submitting the form as it will be quicker for us to process.



Am I supposed to have multiple representatives?

You do not need to have a representative to apply.

If the best contact person has already been entered, do not add a representative.

If you prefer that we speak to your legal representative or agent, answer “Yes” to “Does the applicant have a representative?”

If you are the representative answering the question on behalf of your client or principal, the principal’s details go in as the “Applicant,” and your details go in as the “Representative for Applicant”.

If you have added a representative, you should tick “This is the best person to discuss the application”. Do not add a representative if you would prefer us to call you directly.

Although the form will allow you to add more representatives (“Would you like to add another representative?”) it is best to answer “No” at this stage and ensure we have only 1 contact person. We can help you to add or change representatives after we speak to you about the application.

What do I put for the other side, and what if there are multiple respondents?

The other party for the application is the respondent.

If you don’t have all the details for the respondent, please leave the relevant fields blank and a mediation officer will assist further.

You should also provide the other party’s legal representative or agent if you know that they have one. There should be a maximum of one representative for each respondent – we only need to know the main contact person for each party.

It is best if you try to get the correct details for the respondent and any representative they may have, as it will be quicker for us to be able to speak to the correct people involved.

If you have multiple respondents, provide details for the main respondent and the mediation officer will speak with you about adding others after you have submitted your application.

You can make any changes by speaking to the mediation officer after your application has been assigned.

What is the “Type of Premises”?

For the appointment of a Specialist Retail Valuer, you will be asked for the “Type of Premises”.

Shopping Strip, Stand Alone Shop, and Ground Floor Strata Retail are the most likely options that will suit the premises in question.

There is no option for “Shopping Centre”, but valuers can still be appointed. Please select “Shopping Strip” and add the Shopping Centre Name in the space provided just below.



Note that we cannot appoint valuers for Office, Industrial, or any non-retail leases.

What if I cannot estimate the value of my claim?

For mediation applications, you will be asked for the “Total amount of claim”.

If you do not have an estimate of the value, leave blank. If you have an estimate, you should enter a number rounded to the nearest thousand. Do not include an amount for interest and costs.

This field is to help us understand a rough estimate of the claim value, and where it might go for determination if it cannot be resolved through negotiation or mediation.

What should I do if I have more files to upload?

Only attach key reference documents such as the lease, contract, or important recent correspondence.

The mediation officer will be able to take further documents if required, after registration.

There is a limit of 30 megabytes (MB) of attachments in the form, but we can help you to add anything else required after the mediation officer has been assigned.

If you are seeking a valuer appointment and the plans are too big to attach, the assigned mediation officer can assist you after you have submitted the form.

Is what I put in the application going to be kept confidential?

Anything you put in your application will be provided to the respondent and their representative, and to the mediator.

Otherwise, the information provided is kept confidentially – it is not shared with anyone else, and the Retail Leases Act 1994 contains some protections against statements or admissions made during mediation being used in court ([section 69](#)).