



Small Business Commissioner – Dispute Resolution

APPLICATION FOR MEDIATION

OF A SMALL BUSINESS DISPUTE

Who are we?	For more information
<p>The Small Business Commission (SBC) provides information and advice to tenants, landlords, and anyone else involved in a small business disputes. We organise mediations between parties, if the dispute cannot be otherwise settled.</p> <p>We can assist with information about entering a retail lease, bonds, damaged premises, rent increases and arrears, and other aspects of retail leasing.</p> <p>We do not give legal advice.</p>	<p>If you have not already done so, please contact us to discuss your matter.</p> <p>Tel 1300 795 534 Fax 1300 795 644 Email we.assist@smallbusiness.nsw.gov.au Web www.smallbusiness.nsw.gov.au</p> <p>If you need an interpreter, call 131 450 and ask the interpreter to contact us.</p>
Resolving a small business dispute	Applying for mediation
<p>Negotiate</p> <p>Gather the information to inform the other party of the details of this dispute.</p> <p>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.</p> <p>Mediate</p> <p>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.</p>	<ol style="list-style-type: none"> 1. Fill out this application form 2. Attach any correspondence, agreements, or other relevant documents, including any reference numbers 3. Send to: Office of the Small Business Commissioner GPO Box 5477 SYDNEY NSW 2001 <p><i>Note: we no longer charge an application fee for parties to apply for mediation. Face-to-face mediation may attract charges that will be discussed before they are incurred.</i></p>

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 face-to-face meeting and appoint a mediator to help explore the matter in more detail.

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 and quicker than going to court, and is also less stressful.

Applicant's Details (your details)

Applicant

Name of company / person

Include ABN / ACN if applicable

Does applicant have an agent?

Name of the agent representing the applicant (company and person)

Yes

No

Does applicant have a solicitor?

Name of the solicitor representing the applicant (firm and person)

Yes

No

Please provide full contact details

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

Name of person:

Name of company:

Postal address:

Telephone:

Fax:

Email:

What is their role:

Small Business Operator Agent Solicitor Other (specify)

If interpreter is required, which language:

Respondent's Details (the other company / person / agency)

Respondent Name of company / person / agency

Include ABN / ACN if applicable

Does respondent have an agent?

Name of the agent representing the respondent (company and person)

Yes

No

Does respondent have a solicitor?

Name of the solicitor representing the respondent (firm and person)

Yes

No

Please provide full contact details for the other side

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

Name of person:

Name of company:

Postal address:

Telephone:

Fax:

Email:

What is their role:

Small Business Operator Agent Solicitor Other (specify)

If interpreter is required, which language:

PLEASE COPY THIS PAGE AND USE AGAIN FOR MULTIPLE RESPONDENTS

Details of the business

Address of business:

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 (\$):

Attachments

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

Please mark each attachment with letters A, B, C, etc.

PLEASE DO NOT USE STAPLES

List the attachments below, or attach extra pages if necessary

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 a half share of the costs of the 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).

Signed

Print name

Position / Authority

Date

Privacy Statement

The personal information that is collected on this application form is protected by the *Privacy and Personal Information Protection Act 1998* (NSW). The information is collected and used for the purpose of contacting parties to organise the mediation, carrying out the mediation, and obtaining feedback on how effective the mediation was. The information is provided on a voluntary basis but is necessary in order to conduct the mediation.

Should you wish to have access to this application form or any of the personal information that we hold, please contact the Deputy Registrar on 1300 795 534. For further information on our privacy policy, please refer to the mediation agreement (available online at www.retail.nsw.gov.au) or contact us.