

Further Information

MCLAS is a free legal advice service staffed by final year law students from the University of Adelaide. Qualified legal practitioners supervise the service and all advice provided by the service is checked by an experienced lawyer.

The Service deals with disputes that fall within the minor civil division. The Service can give you advice about making or defending a claim, and can help you try to settle the dispute before taking action. The service is supported by a grant from the Law Foundation of South Australia.

Phone: 08 8204 2444

Level 1 Adelaide Magistrates Court Building
260-280 Victoria Square
Adelaide, SA 5000
Phone:(08) 8204 8453 or (08) 8204 0668

email: mediation@courts.sa.gov.au

This pamphlet was produced by:
The Magistrates Court Legal Advice Service
This information is correct, October 2014



Mediation

Cost free possibilities



Pre-Lodgement Mediation (Free of Cost)

When a Form 1A (Final Notice of Claim) is served, but before legal proceedings (Form 3) are commenced, mediation is free. The only cost is \$19.90 to obtain the Form 1A.

Mediation must be agreed to by both parties and is run by qualified pro-bono mediators who have a diverse range of skills and backgrounds.

Mediation can be organised by contacting the Manager of Mediation via the Adelaide Magistrates Court. Contact details can be found on the back of the Form 1A (Final Notice of Claim) and in the Further Information section of this brochure.

This free pre-lodgement mediation option is no longer available once the plaintiff files a Form 3 and commences a Claim.

Court Ordered Mediation

Since the introduction of the Magistrates Court Rules (Civil) 2013, a Magistrate may now refer parties by court order to mediation. This usually occurs at a Directions Hearing.

There is a panel of diversely skilled mediators from which the parties can select their preference, or if the parties do not elect to make a choice themselves, a mediator will be chosen for them.

Cost of Court Ordered Mediation

In Court Ordered mediation, parties are usually required to pay for mediation themselves and the cost is usually shared equally.

Currently, mediation for a minor civil claim below \$25,000.00 will attract a fee of \$250.00 **per party**. For claims above \$25,000.00, the cost of mediation is determined on a scale based on 2% of the total amount claimed by a party plus GST. Parties then split this cost equally.

The maximum cost of mediation will be \$2,000.00. The cost of mediation must be paid 7 days before the mediation is to occur, or the mediation may be cancelled.

Court Ordered Mediation

There are two exceptions to parties having to pay for Court Ordered mediation

Cost Free Possibilities for Court Ordered Mediation

1. Mediation is usually free if the claim is under \$6,000.00.
2. The Parties may receive free mediation if they are considered to be 'impecunious' by the Manager of Mediation. This determination is made on a case-by-case basis taking into account the individual circumstances of the parties. For example, if the person is unemployed or on Centrelink benefits, there are complications regarding their financial situation, or if the person is asset rich but cash poor.
3. For more information on whether you qualify for free mediation, see the contact details in the Further Information section of this brochure.