

Alternative dispute resolution – disputes between businesses

What is alternative dispute resolution?

Small business faces regular potential conflicts between other businesses, customers, suppliers, partners and employees. Many can be dealt with quickly and effectively through negotiation, yet some disputes that remain unresolved may affect the profitability and productivity of a business.

Alternative dispute resolution is the practice of resolving such disputes without using conventional legal channels (eg the court systems).

Disputes between businesses

These are disputes over terms of trade (within or outside Queensland) with suppliers predatory pricing, misuse of market positioning, misleading or deceptive conduct, and can involve suppliers, operators in other states and territories in Australia, and competitors.

Supply contracts can suffer from breaches in performance and disputes are commonly focussed on price, delivery of goods, quality and customer service standards.

Trade Practices cases involve areas such as price fixing, price discrimination, restraint of trade (including certain types of exclusive dealing, eg third line forcing), abuse of market power, misleading and deceptive conduct, and unconscionable conduct.

Disputes with suppliers

- **Office of Fair Trading:** <http://www.fairtrading.qld.gov.au/oft/oftweb.nsf> The “Good Business Guide” provides advice to businesses on issues such as the *Fair Trade Act 1989* and the Small Claims Tribunal.
- **Small Claims Tribunal:** <http://www.justice.qld.gov.au/courts/factsht/C07SmallClaims.htm> The Department of Justice and Attorney-General oversees the Tribunal which mediates claims up to the value of \$7500. Plaintiffs and defendants prepare and present their own cases without the use of lawyers.

Disputes with businesses interstate

Australian Capital Territory	Office of Fair Trading http://www.fairtrading.act.gov.au/index.htm
New South Wales	Department of Fair Trading http://www.fairtrading.nsw.gov.au/
Northern Territory	Consumer and Business Affairs http://www.caba.nt.gov.au/
South Australia	Office of Consumer and Business Affairs http://www.ocba.sa.gov.au/
Tasmania	Consumer Affairs and Fair Trading http://www.consumer.tas.gov.au/
Victoria	Department of Justice http://www.justice.vic.gov.au
Western Australia	Department of Consumer and Employment Protection http://www.docep.wa.gov.au/
Federal Government	Ministerial Council on Consumer Affairs http://www.consumer.gov.au

13 26 50 (Interstate callers • 07 3001 6359)

www.smartsmallbusiness.qld.gov.au



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General trade practice issues

Australian Competition and Consumer Commission (ACCC): <http://www.accc.gov.au> The ACCC administers the *Trade Practices Act 1974 (Cwlth)*, which prohibits price fixing, certain exclusive dealing, boycotts, abuse of market power and misleading, false and unconscionable conduct. Advice is provided to consumers and businesses on their rights and obligations in accordance with the Act.

Office of Fair Trading: <http://www.fairtrading.qld.gov.au/oft/oftweb.nsf> Administers the *Fair Trading Act 1989*, which prohibits misleading, unconscionable conduct and false representations regarding goods and services.

Further information

The following fact sheets provide further information on these issues:

- Alternative dispute resolution – client disputes
- Alternative dispute resolution – disputes within your business
- Alternative dispute resolution – external disputes
- Control your business problems
- Manage conflict