

General Warning

The purpose of this fact sheet is to give general introductory information about the complaints process. It does not contain legal advice.

WARNING: Alternative legal action should be considered before making a complaint. What is included in a complaint may be relevant to any current or future legal proceedings. If you are involved in legal action you should immediately see a lawyer and not proceed with a complaint.

If you (or the complainant, if you are complaining on their behalf) want financial compensation, support or money you should see a lawyer before making a complaint.

General complaint information

Complaints are rarely about just one thing. When you have a problem, it may be that a number of things have gone wrong. Below are some of the common areas where issues may arise that could lead to a complaint.

Discrimination	Disability and NDIS services	Policing, Custody and Detention
Seniors and Aged Care supports and services	Consumer and Business disputes	Phone and Internet services
Banking, Insurance and Superannuation	Energy and Water services	Housing and Real Estate
Health Care services	Employment issues	Education and Training providers
Government Agencies and Departments	Child Safety and Protection	State Fines and Debts
Corruption	Privacy and Access to Information	Media and Publications

There are different complaint bodies to handle different types of complaints. You should consider the different pathways available to decide the most appropriate pathway for your circumstances. One event could lead to multiple complaints. That means you may need to lodge more than one complaint to have all of your concerns addressed.

It is usually quickest and easiest to try to resolve a complaint directly with the person or body you are having a problem with. Many complaint handling bodies will not act on a complaint unless you have tried to resolve your complaint directly. If you do not feel it is safe or appropriate to complain directly, you should contact the relevant complaint body to discuss your situation.

Complaints involving discrimination

There are state and federal complaints bodies that handle complaints that about discrimination. If your situation involves discrimination, you should consider making a discrimination complaint in addition to any other complaints. Discrimination may occur when someone is treated less favourably on the basis of: race; sex; gender; disability; age; sexuality;

relationship status; pregnancy; caring responsibilities; or having or being thought to have an infectious disease.

WARNING: The state and federal bodies that handle discrimination complaints have different rules, including time limits. You can make a complaint to both the state and federal complaint bodies, but they may decide not to address your concerns if you have already complained elsewhere. For example, if you have already lodged a discrimination complaint to anti-discrimination NSW, it is likely that Australian Human Rights Commission will decide not to act on your complaint. Please carefully review the discrimination factsheets for information about your options before making a discrimination complaint.

Victorian Small Business Commission

In this fact sheet, we introduce the Victorian Small Business Commission (**'VSBC'**). We outline how complaints can be made by individuals and companies to the Victorian Small Business Commission.

The VSBC is a low-cost service that helps resolve disputes involving small businesses in Victoria. It offers information, guidance, and mediation to help businesses sort out issues quickly and fairly, without needing to go to court. The VSBC handles a wide range of disputes, including retail leasing, business contracts, farm debt, and driver agreements in the commercial passenger vehicle industry.

The VSBC doesn't set a strict definition for "small business" and considers complaints on a case-by-case basis. Most disputes can be lodged directly with the VSBC, but in taxi, hire car, and rideshare disputes, you must first go to Safe Transport Victoria.

Legislation and Key Terms

Relevant Legislation:

- [*Small Business Commission Act 2017*](#)
- [*Retail Leases Act 2003*](#)
- [*Owner Drivers and Forestry Contractors Act 2005*](#)
- [*Farm Debt Mediation Act 2011*](#)
- [*Commercial Passenger Vehicle Industry Act 2017*](#)
- [*Mineral Resources \(Sustainable Development\) Act 1990*](#)

Key terms:

Arbitration: A formal process where a neutral expert (the arbitrator) listens to both sides and makes a final decision. It's legally binding, like a court decision, but usually faster and cheaper.

Bond (Security Deposit): Money a tenant pays at the start of a lease, which the landlord holds in case of damage or unpaid rent. It must be returned when the lease ends if there are no issues.

Certificate (VSBC): A document from the VSBC that shows what happened in the complaint process. For example, it might say mediation failed, or someone refused to take part. This certificate is often needed to take the matter to VCAT or court.

Complaint: An expression of dissatisfaction where a response or resolution is wanted, expected or required.

Complainant: A person who has made a complaint.

Contract: An agreement between two or more people or businesses about what each person must do. Contracts can be written or verbal.

Disclosure Statement: A document a landlord must give a retail tenant before a lease starts. It includes key information about the lease and the property.

Franchisee: A small business owner who runs a business using another company's brand, name and systems (the franchisor).

Franchisor: A business that allows someone else (a franchisee) to run a store or service using their brand, rules, and products.

Gig Economy: Jobs done by independent contractors who find work through apps or platforms, like rideshare or food delivery.

Hirer: A business that hires (contracts) an owner driver or forestry contractor to do work like deliveries or hauling.

Landholder: A person who owns land. In mining disputes, this usually refers to a farmer or rural landowner.

Mediation: A meeting where an independent person (the mediator) helps two sides talk through their problem and try to reach an agreement. It's private and voluntary.

Owner Driver: A small business owner who uses their own vehicle (like a truck or van) to do delivery or transport work for other companies.

Public Entity: A government department, local council, or publicly funded organisation.

Retail Lease: A lease for a shop or premises where goods or services are sold to the public.

Respondent: The person or business the complaint is about.

Settlement (Terms of Settlement): A written agreement that both parties sign if they resolve their dispute through mediation. It's legally binding and can be enforced by a court or VCAT.

Small Business: There's no fixed definition, but generally includes sole traders, partnerships, and companies with a small number of staff. If you're unsure, the VSBC can help figure out if you're eligible.

Tender: When a government or organisation asks businesses to submit a proposal or price to do work or supply goods.

Unfair Contract Terms: Contract terms that are heavily one-sided and cause a big disadvantage to one party, especially if they had no chance to negotiate them.

VCAT (Victorian Civil and Administrative Tribunal): A legal body in Victoria that helps resolve disputes about leases, goods, services, building works and more. In many cases, you must go to the VSBC first before applying to VCAT.

Small Business: A small business generally means a sole trader, micro-business, or a company with a small number of employees (e.g. under 20), but the VSBC assesses eligibility on a case-by-case basis. If you're unsure, contact the VSBC.

VSBC: Victorian Small Business Commission.

VSBC Act: [*Small Business Commission Act 2017*](#).

Step 1: What type of Complaints can be made to this body?

The VSBC can help resolve a wide range of disputes for small businesses under various Victorian laws. This includes:

A) General Business-to-Business or Business-to-Government Disputes

Under the Small Business Commission Act 2017, the VSBC can assist with general commercial disputes between a small business and another business, or between a small business and a government body. These disputes cover many day-to-day business issues:

Sub-category	Example
Unpaid Invoices or Late Payments	<p>You should make a complaint if your small business is owed money for goods or services and the other business hasn't paid on time. Timely payment is crucial for cash flow, and the VSBC often helps with payment disputes.</p> <p><i>Example: Gregory delivered a project for a client weeks ago, but they keep delaying payment of his invoices.</i></p>
Breach of Contract or Agreement	<p>You should make a complaint if another business isn't honouring a deal or contract with your small business. This includes situations where terms of a supply contract, service agreement, or other business contract are not met.</p> <p><i>Example: Jane signed an agreement to supply products, but the buyer suddenly cancels or changes the order in a way that isn't allowed by the contract.</i></p>
Goods or Services Quality Disputes	<p>You should make a complaint if you paid for goods or services that were faulty, not delivered, or not up to the agreed standards. Small businesses rely on reliable suppliers, and disputes can arise if those expectations are not met.</p> <p><i>Example: Pete's business paid a vendor to develop a website, but the delivered site doesn't meet the requirements they agreed upon.</i></p>
Misleading or Unfair Market Conduct	<p>You should make a complaint if you believe your small business was misled or treated very unfairly by another business in a commercial deal. This covers unconscionable conduct or false representations in business-to-business dealings.</p> <p><i>Example: A supplier gave Jen's business false information about a product's capabilities to secure a sale, or a larger company used its power to pressure Jen into an unfair agreement.</i></p>
Disputes Over Business Purchases or Sales	<p>You should make a complaint if you're involved in buying or selling a business and a dispute arises, for example, about the terms of sale or what was included in the deal.</p> <p><i>Example: After purchasing a small café, Hailey discovered the seller failed to disclose that key equipment was leased, not owned.</i></p>

Partnership or Shareholder Disputes	<p>You should make a complaint if co-owners of a small business (partners or shareholders) are in conflict over the business. The VSBC can assist with partnership disputes that threaten to harm the business's operations.</p> <p><i>Example: Jess and Sam are two partners in a design firm and disagree on how profits should be shared and business decisions made.</i></p>
Licensing, Agency or Distribution Agreement Issues	<p>You should make a complaint if your business has a dispute regarding a licensing deal, agency agreement, or distribution arrangement with another company. This includes conflicts over terms, commissions, or territory.</p> <p><i>Example: Barb operates as a local distributor for a product, but the supplier appoints another distributor in her agreed exclusive territory.</i></p>
Business-to-Government (Public Entity) Disputes	<p>You should make a complaint if your small business has an issue with a government department, local council, or public entity in a commercial context. The VSBC is empowered to assist with disputes between small businesses and public bodies (also called public entities or public service bodies).</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Clay's company tendered for a government contract and believes it was unfairly excluded from the process.</i> • <i>JP provided services to a government agency that is now not paying their invoices.</i>
Specific exclusions	<p>The VSBC does not consider these complaint types for general business disputes:</p> <ul style="list-style-type: none"> • Disputes involving employees: If you're an employee (not a business), the VSBC can't help with wages, unfair dismissal, or workplace problems. • Complaints from individual consumers: If you're not a business (e.g. you're just a customer), the VSBC can't help. • Disputes about government funding, grants or licensing decisions: If your complaint is about being denied a grant, licence or permit by a government body and rather than a business contract with them, the VSBC won't handle it. • Tax, superannuation or BAS disputes: The VSBC can't help with ATO issues, including unpaid taxes, GST, or superannuation problems. • Trademark, copyright, or patent issues: Disputes about intellectual property. • Large corporate or listed company disputes: The VSBC is designed to help small businesses, not large businesses or publicly listed companies. • Disputes about the internal operations of charities or community groups: Unless they're acting as a business in a

	contract, the VSBC won't help with management disagreements in not-for-profits or clubs.
B) Retail Leasing Disputes (Retail Tenants and Landlords) Under the Retail Leases Act 2003, any dispute between a retail tenant and a landlord (a retail tenancy dispute) can be referred to the VSBC for low-cost mediation. These disputes involve shops or premises where retail businesses operate. The VSBC must normally be approached before the matter can go to VCAT (the tribunal). Distinct types of retail lease complaints include:	
Sub-category	Example
Security Deposit (Bond) Not Returned	<p>You should make a complaint if you're a retail tenant who has finished your lease and your landlord hasn't returned your security deposit (bond) within a reasonable time. Landlords are required to return the bond within 30 days of the lease ending, assuming obligations are met.</p> <p><i>Example: Katie vacated her shop after the lease expired, but two months later the landlord still holds her \$5,000 bond without explanation.</i></p>
Repairs and Maintenance Issues	<p>You should make a complaint if the landlord isn't fulfilling their repair and maintenance responsibilities under the lease. Retail leases often outline who must fix issues (like leaks, air-conditioning faults, or structural problems).</p> <p><i>Example: The roof in Dez's retail store has been leaking for weeks, damaging stock, and the landlord has repeatedly ignored their requests to fix it.</i></p>
Disagreements Over Outgoings or Charges	<p>You should make a complaint if there's a dispute about outgoings (expenses like council rates, utilities, marketing fees or maintenance costs) being passed on under the lease. The law sets rules on what landlords can charge to the tenant.</p> <p><i>Example: Jim's lease says he must pay for certain outgoings, but the landlord billed him for an unexpected charge (such as a capital improvement) that he doesn't think he should pay.</i></p>
Disclosure Statement or Lease Information Issues	<p>You should make a complaint if a landlord failed to provide a required Disclosure Statement or important lease information, or if the information provided was incorrect and led to you being misled. Landlords must give a disclosure statement at least 14 days before a retail lease is entered, outlining key terms and any known issues.</p> <p><i>Example: After signing the lease, Chaye discovered the landlord hadn't disclosed upcoming building works that disrupt their business, leading them to feel as though they were misled or not given proper disclosure.</i></p>
Lease Renewal or Option Disputes	<p>You should make a complaint if there's a conflict over renewing a retail lease or exercising an option to extend the lease. Disputes can arise if one party misses notice periods or if terms of renewal are unclear.</p>

	<i>Example: Persephone believes they had a right to renew their shop's lease for another 5 years, but the landlord claims they missed the deadline to exercise that option.</i>
Assignment or Transfer of Lease	<p>You should make a complaint if a landlord is unreasonably refusing to allow you to assign (transfer) your lease to a new tenant when you sell your business, or if there are disputes about conditions for assignment. The law prevents landlords from withholding consent to an assignment without good reason.</p> <p><i>Example: Beatrice found a buyer for her retail business and wants to transfer the lease to them, but the landlord keeps delaying consent even though the new tenant meets all requirements.</i></p>
Tenant Breach (Unpaid Rent or Bills)	<p>You should make a complaint if you're a landlord and your retail tenant is not paying rent or outgoings, or otherwise breaching the lease, and attempts to resolve it have failed. While landlords can ultimately go to VCAT to regain possession, the VSBC can help mediate a solution first.</p> <p><i>Example: Gayle's tenant is several months behind on rent for the shop. (Note: Retail lease disputes must generally be referred to the VSBC for mediation before any tribunal action. This is a legal requirement under the Retail Leases Act).</i></p>
Specific exclusions	<p>The VSBC does not consider these complaint types for Retail Leasing Disputes:</p> <ul style="list-style-type: none"> • Residential tenancy issues: If you live in the premises, or part of the premises is used as a residence, the VSBC cannot help. • Disputes about non-retail commercial leases: The VSBC only deals with retail leases (under the Retail Leases Act 2003). Disputes about offices, warehouses, or other non-retail commercial premises are out of scope. • Leases outside Victoria: Only retail premises in Victoria are covered.
<p align="center">C) Owner Driver and Forestry Contractor Disputes</p> <p align="center">Victoria's <i>Owner Drivers and Forestry Contractors Act 2005</i> protects small businesses that operate trucks or forestry equipment and are hired by other companies. If you are an owner-driver (using up to 3 vehicles you own to transport goods) or a forestry/haulage contractor who provides services, the VSBC can help with disputes with the businesses that hire you (your hirers). Common complaint types include:</p>	
Sub-category	Example
Unfair Contract Termination or Lack of Notice	<p>You should make a complaint if your hirer ended your delivery or forestry contract without the required notice period, or if you believe you were not paid money owed upon termination. The law sets minimum notice periods for terminating these contracts, or payment in lieu of notice.</p>

	<i>Example: Shou has an ongoing truck delivery contract, and the company Shou contract for suddenly terminates their services with no warning and no payout, making them lose your work abruptly.</i>
Contract Terms and Conditions Disputes	<p>You should make a complaint if you have a disagreement with your hirer about the terms of your contract, for instance, about rates, workloads, fuel costs, or other conditions promised. All owner driver and forestry contracts must be in writing and include certain terms by law.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Kale's contract guarantees him a minimum number of hauling jobs per month, but the hirer hasn't been providing enough work.</i> • <i>Betty find unexpected fees being deducted from her pay.</i>
Breaches of the Owner Driver Laws	<p>You should make a complaint if you believe the hirer has violated the Owner Drivers and Forestry Contractors Act or its Code of Practice. This could include not providing a written contract, not giving you required information (like cost schedules or safety information), or other legal obligations.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>As a forestry contractor, Ryan didn't receive the mandatory handbook or cost guide that should help him understand the job's costs, which is a breach of the law.</i> • <i>As a forestry contractor, the company Sarah is contracted to is ignoring the rates guideline and paying unreasonably low rates.</i>
Specific exclusions	<p>The VSBC does not consider these complaint types for Owner Drivers and Forestry Contractors:</p> <ul style="list-style-type: none"> • Contractors using more than 3 vehicles: Only owner drivers using 3 or fewer vehicles they own or lease are covered. Larger operations fall outside the protections of the Owner Drivers and Forestry Contractors Act. • Owner drivers not working in transport or forestry: The VSBC can only assist if you're an owner driver in the goods transport or forestry sectors. Other independent contractors are only covered under general business disputes.

D) Farm Debt Mediation (Farmers and Creditors)

Under the *Farm Debt Mediation Act 2011* (FDMA), farmers and their creditors (usually banks or finance companies) can access mediation to resolve farm debt issues before any foreclosure or enforcement on a farm mortgage occurs. This process, administered by the VSBC, ensures that farmers have a chance to negotiate with lenders on equal footing.

Sub-category	Example
Farm Loan Payment	You should request farm debt mediation if you are a farmer struggling to repay a loan that is secured against your farm, and the creditor is threatening or planning to take enforcement action (for

Disputes / Risk of Foreclosure	<p>example, repossession of the farm or calling in the debt). In Victoria, a bank must offer mediation to the farmer before foreclosing on farmland, and the VSBC is the body that arranges this mediation.</p> <p><i>Example: Due to drought and low yields, Jamie has fallen behind on her farm mortgage. Your bank has sent letters demanding full repayment or they will take possession of the property.</i></p>
Farmer-Initiated Debt Mediation	<p>You should make a complaint (apply for mediation) if you are a farmer who knows you cannot meet upcoming loan payments and you want to negotiate with your lender now, rather than waiting for them to start enforcement. The VSBC can facilitate mediation even if the creditor hasn't yet demanded it, which might result in a mutually agreed plan (e.g. interest pause, or voluntary sale on better terms).</p> <p><i>Example: Kate sees that in six months her farm's finances will be underwater when a large loan balloon payment is due.</i></p> <p>(Note: Farm debt mediation through the VSBC is confidential, voluntary and low-cost, and it has become a compulsory first step for creditors, they cannot simply seize a farm property without attempting mediation. Farmers have support and a fair chance to work out repayment arrangements.)</p>
Specific exclusions	<p>The VSBC does not consider these complaint types for Farm Debt Mediation:</p> <ul style="list-style-type: none"> • Disputes not involving a secured farm debt: The VSBC can only arrange mediation under the Farm Debt Mediation Act if the loan is secured by farm property. Unsecured loans or personal debts aren't covered. • Disputes between farmers: The VSBC won't mediate disputes between farmers unless one is acting as a creditor under a secured farm debt. <p>Farmers operating as individuals, partnerships, companies, or trusts may all be eligible for mediation if the loan is secured over farm property in Victoria</p>
<p>E) Taxi and Hire Car Driver Disputes with Operators</p> <p>The VSBC provides mediation for disputes between taxi or hire car drivers and the operators or owners they work with, under the <i>Commercial Passenger Vehicle Industry Act 2017</i>. Typically, these are disputes about the contractual or working arrangements in the taxi and hire car industry. (Note that Safe Transport Victoria (STV) is the first point of contact for such disputes, STV will attempt to resolve the issue and issue a certificate before the VSBC steps in.)</p>	
Sub-category	Example
Pay and Contract Disputes in Taxi/Hire Car Arrangements	<p>You should make a complaint if you are a taxi or hire car driver and you have a disagreement with the taxi operator or owner about your work agreement. This could include disputes over how fares are split, lease fees for the vehicle, bond money, or other conditions in your driver agreement.</p>

	<i>Example: Jason drives a taxi for an operator under an agreement where he pays a daily “radio fee” and split fares. He believes the operator is charging fees not agreed upon, or not giving him the correct share of earnings.</i>
Bond or Expense Disputes for Drivers	<p>You should make a complaint if your taxi/hire car operator has withheld funds or made deductions you think are unfair. For instance, some drivers pay a bond or deposit to the operator for using the vehicle, and disputes can arise over getting this money back or over charges for vehicle damage/maintenance.</p> <p><i>Example: Cam left a hire car company, but they refuse to return the \$1,000 security deposit he paid when he started driving for them, citing vague claims of vehicle damage.</i></p>
Unfair Termination or Suspension	<p>You should make a complaint if you are a taxi or hire car driver who feels you were unfairly taken off the roster or had your agreement terminated by the operator without proper reason or process. Conversely, an operator might seek mediation if a driver isn’t following the rules.</p> <p><i>Example: After a minor disagreement, a hire car operator stops giving Daisy any driving shifts, effectively terminating her work. She attempts direct discussion, which fails.</i></p> <p>(Note: For taxi and hire car disputes, you must first go through Safe Transport Victoria’s dispute process. If STV cannot resolve it, they will issue a certificate so you can apply to the VSBC for mediation. The VSBC’s service is low-cost (\$300 per party) and if it fails, the VSBC can issue a certificate allowing the matter to go to VCAT.)</p>
Specific exclusions	<p>The VSBC does not consider these complaint types for Taxi and Hire Car disputes:</p> <ul style="list-style-type: none"> • You haven’t gone to STV first: STV is the first stop. The VSBC can only act once they issue a certificate. • The dispute is about a passenger: E.g. a passenger refused to pay, damaged your car, or complained about you, the VSBC can’t help. • You’re employed directly by a taxi company: That’s an employment issue, not a business dispute. <p>If you were permanently deactivated from a platform on or after 26 February 2025, the Fair Work Commission handles these complaints and you must apply within 21 days. The VSBC can still assist with other disputes about pay, unfair terms, or suspension.</p>

F) Rideshare and Other Gig Economy Disputes

Many gig economy workers (independent contractors who find work via digital platforms) can also get help from the VSBC. This includes rideshare drivers (who drive passengers via apps like Uber or DiDi) and workers doing deliveries (e.g. food delivery for platforms like DoorDash or Menulog) or providing services through apps (like care work via Mable, odd jobs via Airtasker, etc.). The VSBC can assist gig workers who are small businesses in their own right, under either the Small

Business Commission Act or the Owner Drivers Act (for certain delivery drivers). You should make a complaint in the following situations:	
Sub-category	Example
Payment Issues on Gig Platforms	<p>You should seek VSBC assistance if you're not being paid what you believe you're owed for gig work, or if a platform has made sudden changes to your pay that you feel are unfair. Gig workers often face complex pay terms, and disputes can arise about calculations of fares, bonuses, or withheld earnings.</p> <p><i>Example: Byron delivers food as a contractor and noticed the platform has been incorrectly underpaying her for each delivery (perhaps by misapplying a bonus or not reimbursing an expense). She tries to resolve it with the platform with no success.</i></p>
Unfair Treatment or Policy Enforcement	<p>You should make a complaint if you feel the platform has treated you unfairly. For instance, by suspending or “deactivating” your account without good cause, by unfairly assigning low ratings, or by not providing adequate support or rights you're entitled to.</p> <p>(Note: If you were permanently deactivated (fired) from a gig platform on or after 26 Feb 2025, the Fair Work Commission now handles those cases within 21 days of deactivation. But other types of unfair treatment can still go to VSBC.)</p> <p><i>Example: Henry's rideshare driver account was temporarily suspended due to a passenger complaint, and the platform isn't listening to his side of the story or providing a clear process to resolve it.</i></p>
Disputes Over Contract Terms	<p>You should make a complaint if you believe the standard contract or terms you agreed to with the platform contain unfair contract terms or obligations that are being applied unfairly. Small businesses (which include solo contractors) are protected from unfair terms in standard form contracts under Australian Consumer Law, and the VSBC can help by mediating changes to the working arrangement.</p> <p><i>Example: The delivery app's contract requires Jag to pay a large penalty if he doesn't complete a scheduled shift, but the app can cancel his shifts at any time without compensation. He thinks such terms are one-sided and he's being penalised unfairly.</i></p>
Owner Driver Rights for Delivery Drivers	<p>You should make a complaint if you are a gig delivery driver using your own vehicle and you think the hirer (the platform or a courier company contracting with the platform) isn't following the owner driver laws. For instance, if you deliver goods for a set fee per package, you might also be covered by the Owner Drivers and Forestry Contractors Act's protections.</p> <p><i>Example: Craig uses his van to deliver packages for an online shopping platform as an independent contractor. They terminate the engagement without notice and refuse to provide a written agreement.</i></p>
Specific exclusions	<p>The VSBC does not consider these complaint types for Rideshare and other Gig Economy Disputes:</p>

	<ul style="list-style-type: none"> • You've been permanently deactivated ('fired') from the platform after 26 Feb 2025 • You haven't tried to resolve it directly with the platform first: The VSBC expects you to try direct resolution first, or may ask for evidence that you've tried. • The platform isn't acting as your hirer: If there's no clear business relationship or work contract (e.g. just using the app), VSBC might not have jurisdiction. • You're not treated as a business or sole trader: If you don't meet the small business definition (e.g. casual app user), you might not be eligible. <p>If you were permanently deactivated from a platform on or after 26 February 2025, the Fair Work Commission handles these complaints and you must apply within 21 days. The VSBC can still assist with other disputes about pay, unfair terms, or suspension.</p>
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G) Franchising Disputes (Franchisees and Franchisors)

Franchise relationships (where a small business (franchisee) operates under the brand and system of a larger company (franchisor)) can lead to disputes. The VSBC can help with franchising disputes as part of its role in general business disputes. (Franchise disputes are also governed by the national Franchising Code of Conduct, which requires mediation for any dispute.) You should make a complaint in situations such as:

Sub-category	Example
Franchisor Not Meeting Obligations	<p>You should seek help if you're a franchisee and your franchisor isn't doing what the franchise agreement or the Franchising Code requires. This could include not providing promised training or support, not advertising as agreed, encroaching on your territory with another franchise, or making unexpected changes to the business model that hurt your store.</p> <p><i>Example: Cory's franchise agreement for a café brand promised weekly marketing support and fair supply prices, but the franchisor isn't delivering, they've increased ingredient costs dramatically and opened a company-owned outlet next door.</i></p>
Franchisee Compliance and Fee Disputes	<p>You should make a complaint if you're a franchisor or franchisee facing conflicts over fees or compliance with the system. For instance, if a franchisee isn't paying royalties or is allegedly not following the brand standards, or if a franchisor is charging unexpected fees or refusing to renew a franchise without grounds, mediation can help.</p> <p><i>Example: A franchisee consistently pays royalties late and uses unapproved suppliers, frustrating the franchisor, and direct talks between the parties break down.</i></p>
Specific exclusions	The VSBC does not consider these complaint types for Franchising disputes:

- **Employment complaints from franchise workers:** If you're an employee of a franchise (not the franchisee or franchisor), the VSBC can't help with wage theft, unfair dismissal, or workplace issues.
- **Disputes between individual staff members and the franchise business:** Issues like bullying or harassment between co-workers are out of scope. These are not business-to-business disputes.
- **Complaints from customers of a franchise:** If you're a consumer and had a bad experience with a franchise (e.g. faulty product, poor service), go to Consumer Affairs Victoria, not the VSBC.
- **Disputes that are only about intellectual property (e.g. logos, trademarks):** The VSBC can deal with franchising contract disputes, but not standalone issues about who owns a brand or IP. Go to IP Australia or the courts for that.
- **Franchising disputes with no connection to Victoria:** The VSBC only helps with Victorian disputes. If all parties and the business are based interstate, it's outside their jurisdiction.
- **Disputes already in court or at a tribunal:** If your franchise case is already being heard at VCAT or in a court, the VSBC won't step in.
- **Franchise agreements involving large listed companies only:** The VSBC focuses on helping small business franchisees. If all parties are large corporations, they may be outside the VSBC's scope.

H) Smash Repairer and Insurer Disputes

The VSBC can assist with disputes between motor vehicle smash repairers (auto repair shops) and insurance companies over the cost and method of vehicle repairs. This falls under the voluntary *Motor Vehicle Insurance and Repair Industry Code of Conduct*, which provides for mediation (and even binding determinations) by the VSBC if a repairer and insurer can't agree.

Sub-category	Example
	<p>You should make a complaint if you run a smash repair business and you're in conflict with an insurance company about how much should be paid for repairs or how the repairs should be carried out on a customer's car. These disputes often involve the insurer wanting to control costs and the repairer wanting to do a thorough job.</p> <p><i>Example: An insurer has assessed a car's accident damage and is only willing to pay for second-hand parts, but as the repairer, J&M Smash Repairs believe new parts are necessary for safety. Negotiations however stall.</i></p>
Access to Binding Determination	If mediation fails to resolve a smash repair dispute, the VSBC is an approved determination provider under the Code. This means you

	<p>can request the VSBC appoint an independent expert to make a final decision (a determination) on the dispute.</p> <p><i>Example: After mediation, the insurer and repairer still cannot agree on a final repair cost (they are thousands of dollars apart).</i></p> <p>(Note: The smash repairer-insurer mediation is voluntary but encouraged by the industry Code. The VSBC's role here is slightly different – they can mediate, and if needed, arrange a binding resolution. This is unique because it's one of the few areas where the VSBC can facilitate an arbitrator/determiner to impose a decision.)</p>
Specific exclusions	<p>The VSBC does not consider these complaint types for Smash Repairer and Insurer disputes:</p> <ul style="list-style-type: none"> • Disputes not covered by the Code of Conduct: The VSBC can only mediate smash repair disputes that fall under the Motor Vehicle Insurance and Repair Industry Code of Conduct. • Disputes not involving a licensed repairer and insurer: Both parties must fall within the definitions under the Code, e.g. licensed repairers and insurance companies (not private individuals). • Vehicle owners' insurance complaints: The VSBC does not help individuals making insurance claims about their own cars.
<p>I) Mining and Land Access Disputes (Miners and Landholders)</p> <p>In Victoria, when a minerals exploration company (a miner or “explorer”) wants to access privately owned land for exploration, they usually need the landowner’s consent. There is a Commercial Consent Agreement for Access to Private Land – a model agreement to help miners and landholders set terms for land access, including any compensation for the landholder. If disagreements arise in negotiating or executing this land access agreement, the VSBC can help resolve them.</p>	
Sub-category	Example
Land Access and Compensation Disputes	<p>You should make a complaint if you’re a private landowner or a mining explorer and you cannot agree on the conditions of access to the land or compensation for exploration activities. The VSBC offers low-cost dispute resolution as an alternative to legal action or going to the Mining Warden.</p> <p><i>Example: A mining company wants to explore for minerals on a farmer’s property. The farmer is concerned about biosecurity and damage to fields, and they want certain conditions (like restricted areas and a cleanup bond) plus compensation. The mining company finds some requests unreasonable.</i></p> <p>(Note: The Minerals exploration access agreement explicitly lists the VSBC as one avenue for dispute resolution if parties can’t agree. This is a niche but important service, ensuring that small landowners (often farmers) have support when dealing with mining companies. The goal is</p>

	to reach a fair agreement so exploration can proceed with respect for property rights.)
Specific exclusions	<p>The VSBC does not consider these complaint types for Mining and Land Access disputes:</p> <ul style="list-style-type: none"> • Disputes not involving commercial minerals exploration: Only disputes about access to private land under an exploration licence or retention licence can be referred to the VSBC. Other resource disputes (e.g. water rights, native title) are excluded. • Disputes already referred to the Mining Warden: If the matter has already been referred to the Mining Warden, the VSBC will not step in.

J) Exclusions & Additional Info

These exclusions apply to all complaint types:

Sub-category	Example
General exclusions	<p>The VSBC does not deal with any of these complaint types:</p> <ul style="list-style-type: none"> • Employment problems: The VSBC doesn't handle complaints from employees about pay, unfair dismissal, bullying, or working conditions. • Consumer complaints: If you're not a business and you have a problem with a product or service (e.g. you bought something faulty). • Injuries or negligence: The VSBC can't help with personal injury claims or cases where someone was careless or caused harm. These are legal matters for the courts. • Cases already in court or at VCAT: If you've already started a case in court or VCAT, the VSBC won't get involved. • Urgent legal action: If you need something stopped right away (like an injunction). • Criminal offences or misconduct: If you think someone broke the law (like fraud or serious misconduct). • Charities and community groups (as complainants): The VSBC only helps small businesses, not charities or clubs trying to make a complaint (unless they also run a business). • Tax, super or government grant issues: The VSBC can't help with ATO problems, unpaid super, or grant rejections. • Trademarks, copyright or patents: The VSBC doesn't deal with intellectual property problems. • Disputes about private property (not leases): The VSBC only handles retail leases. It can't help with residential tenancy, co-owned land, or private property arguments.

Additional Info

- **You don't always need to go to the VSBC:** For some issues (like general business disputes), you can go straight to court or VCAT, but it's often cheaper and faster to try the VSBC first.
- **Not all services are the same:** The VSBC can:
 - Help by phone or email
 - Offer low-cost mediation
 - Sometimes organise arbitration (for owner drivers)
 - Help explain your rights
- **Some complaints are mandatory to go through the VSBC first:** For example:
 - Retail lease disputes
 - Farm debt disputes
 - Owner driver disputes

You usually must go to the VSBC before you can go to VCAT or court.
- **You must be a small business:** The VSBC mainly helps sole traders, small companies, farmers, drivers, and contractors. It won't help big companies or listed corporations.
- **Even if the VSBC can't help, they might refer you:** They'll often suggest the best place to go, like VCAT, Consumer Affairs, AFCA, or Fair Work.

Step 2: What is the Jurisdiction of the complaints body?

Jurisdiction	Description
State	The VSBC has powers to assist in resolving disputes with small businesses under the law of Victoria.
Geographical Scope	At least one party to the dispute needs to be in Victoria.
Time Limitations	<p>There is no single time limit that applies to all complaints at the VSBC, but depending on your situation, there may be deadlines you need to meet. Here's what you need to know.</p> <ul style="list-style-type: none"> • In General: There's usually no strict deadline for lodging a complaint with the VSBC. However: <ul style="list-style-type: none"> ○ If your matter has already gone to court or VCAT, the VSBC can't help anymore. ○ If you wait too long, it might be harder to resolve the dispute, the other party might refuse to participate, or key information might be lost. ○ If your dispute later goes to VCAT or court, there are time limits that apply, so it's important to act promptly.

- **Time Limits You Should Know About:** Here are the main time-sensitive situations across different types of complaints:
 - **Retail lease disputes:**
 - You should lodge a complaint before going to VCAT.
 - There's no set deadline in the law, but if you go to VCAT without trying VSBC mediation first, your application may be rejected.

If your lease has ended, it's best to act within 6 years, which is the general time limit for contract disputes under Victorian law.
 - **Farm debt mediation:**
 - If you're a creditor, you must not start enforcement (e.g. repossession) unless you've first offered mediation through the VSBC.
 - If you're a farmer, you can request mediation at any time before enforcement begins.
 - If the creditor gives you a mandatory notice (Form 1), you have 21 days to request mediation before they can take action.
 - **Owner drivers and forestry contractors:**
 - Disputes must go through the VSBC before you can go to VCAT.
 - There's no fixed time limit to apply for mediation, but delaying too long might weaken your case.
 - If arbitration happens after failed mediation, you usually must apply within 14 days of receiving a certificate of failed mediation (unless otherwise agreed).
 - **Taxi and hire car drivers:**
 - You must first lodge your complaint with Safe Transport Victoria (STV). If they can't resolve it, they'll give you a certificate to take the matter to the VSBC.
 - There's no fixed time limit, but you should act soon after STV gives you the certificate. Delays could affect your options.
 - **Smash repairers and insurers:**
 - There are no formal time limits in the Motor Vehicle Insurance and Repair Code, but the VSBC recommends raising disputes as soon as possible after the issue arises.
 - **General business and franchising disputes:** There's no formal deadline to go to the VSBC, but:

	<ul style="list-style-type: none"> ▪ You generally have 6 years to take a business contract dispute to court if needed. ▪ If you delay too long, the VSBC might still help, but the other party may not agree to participate.
Exclusions	<p>VSBC cannot deal with complaints if:</p> <ul style="list-style-type: none"> • The dispute does not relate to Victoria • The business or conduct involved occurred entirely outside Victoria • The lease or land in dispute is not located in Victoria • The farm debt is not secured against Victorian farmland • The complaint was made too late under relevant time limits (e.g. after court action has begun) • The dispute is already being heard by a court or tribunal • The person or business making the complaint does not have legal standing (e.g. they are not a party to the contract or lease) • The dispute does not involve a recognised 'small business' under the relevant legislation (e.g. a large or listed company is trying to apply) • The parties have already resolved the dispute or signed a binding agreement elsewhere • The dispute falls under another state or federal jurisdiction with exclusive authority (e.g. federal industrial relations law)
Exercise of discretion	<p>The VSBC can refuse to deal with a complaint it views as being vexatious, trivial, unlikely to be resolved, or more appropriately handled by another body. This will be assessed upon receiving an application for dispute or during a preliminary phone call with one or both of the parties.</p>

Step 3: Who can you make a complaint against?

Respondent	Description
Landlords	A person or company that rents out a retail business premises. You can complain if they breach a retail lease, withhold bond money, fail to repair the property, or act unfairly in lease dealings.
Retail Tenants	A person or business renting a retail premises. You can complain if they breach lease terms. For example, by not paying rent, damaging the property, or failing to vacate properly.
Other Businesses	Any business that you have a commercial agreement with. You can complain about them if the dispute involves contracts, services, payments, tenders, partnerships, or the sale/purchase of a business.
Franchisors	A business or person that grants a franchise to a franchisee. You can complain if they break the agreement, act unfairly, or breach the

Respondent	Description
	Franchising Code (e.g. by changing terms, withholding support, or encroaching on your territory).
Franchisees	A business or person operating a franchise under agreement with a franchisor. You can complain if they fail to follow the agreement, damage your brand, or don't pay fees or royalties.
Contractors and Subcontractors	A person or business you've hired (or who hired you) to carry out work or supply goods/services. You can complain if they don't deliver what was agreed, underpay, or breach the contract.
Owner Drivers or Forestry Contractors	Small business transport or forestry workers using their own equipment. You can complain about them if they breach a contract or refuse work without proper notice.
Hirers of Owner Drivers or Forestry Contractors	Transport or forestry companies that engage contractors. You can complain if they underpay you, cancel work unfairly, or don't follow the rules in the Owner Drivers and Forestry Contractors Act.
Explorers / Miners	A company or person with a minerals exploration licence. You can complain if they enter private land without proper consent, damage your property, or ignore access agreements.
Landholders	Private landowners whose land is being accessed by mineral explorers. You can complain if they're refusing access after agreeing to it, or if they're breaching a land access agreement.
Farm debt creditors	A bank or lender trying to enforce a loan secured by farm property. You can complain if they start recovery action without offering mediation as required by law.
Farmers	A person operating a farming business with a loan secured by their farm. You can complain if they refuse or ignore your mediation request under the Farm Debt Mediation Act.
Taxi or Hire Car Operators	A business that leases vehicles or gives work to drivers. You can complain if they underpay, keep your bond unfairly, breach your contract, or terminate you without good reason.
Taxi or Hire Car Drivers	A driver working under agreement with a vehicle operator. You can complain if they damage the vehicle, don't pay fees, or breach the terms of the work agreement.
Insurers (Smash Repair Disputes)	Insurance companies involved in motor vehicle repairs. You can complain if they refuse to agree on a fair cost or method of repair.
Smash Repairers	Licensed repair shops carrying out vehicle repairs under insurance. You can complain if they overcharge, delay repairs, or use unsafe parts or methods.

Respondent	Description
Gig Platforms / Digital Work Platforms	Apps or companies (like Uber, DoorDash or Airtasker) that connect you to work. You can complain if they underpay, apply unfair contract terms, or treat you unreasonably as an independent contractor.
Government Bodies / Public Entities	Local councils, departments or government agencies you have a business contract with. You can complain if they owe you money, act unfairly in a tender process, or breach a commercial agreement.
Exclusions	<p>VSBC cannot take complaints regarding:</p> <ul style="list-style-type: none"> • Private individuals: The VSBC doesn't deal with personal disputes, like arguments between neighbours, friends or family members. • Customers (consumers): You can't complain about someone who bought your product or service as a customer. • Employees: You can't complain about your staff, such as pay, performance or workplace problems are employment issues. • Employers: If you're a worker with a problem at your job (like underpayment or dismissal), go to Fair Work, not the VSBC. • Residential landlords or tenants: The VSBC only deals with retail leases, not homes or residential tenancies. • Charities or clubs (if they're not running a business): If a community group isn't acting like a business, the VSBC won't get involved. • People or businesses outside Victoria: If the other party is based interstate and the issue didn't happen in Victoria, the VSBC can't help. • Personal disputes (not business-related): Arguments about family, friendships or non-business matters aren't covered. • Government departments acting as regulators: You can't complain if a government body fined you, refused you a grant, or took away a permit. • People already in court with you: If your dispute is already at VCAT or court, the VSBC can't step in. • People or businesses that don't legally exist: If the other party isn't legally a company or business (e.g. a fake or unregistered name), the VSBC can't help.

Step 4: Are you eligible to make a complaint?

Eligibility	Description
Who can make a complaint?	<p>The VSBC can assist with resolving complaints from:</p> <ul style="list-style-type: none"> • Small business owners (including franchisees and franchisors); • Retail tenants and landlords; • Goods and freight owner drivers; • Forestry contractors; • Farmers; • Miners; • Landholders; and • Taxi, hire car and rideshare drivers.
Pre-requisite steps	<p>Generally</p> <p>Generally speaking, there are no pre-requisite steps to request assistance from the VSBC to resolve your dispute. It is generally recommended that you first attempt to resolve the issues with the counterparty before approaching the VSBC and has prepared some tips to help you resolve a dispute before applying for help.</p> <p>If you're unable to resolve the dispute directly with the other party, you can apply for the VSBC's help to resolve the dispute.</p> <p>Disputes with drivers and operators</p> <p>However, disputes between drivers and operators must first be referred to Safe Transport Victoria (STV). If the dispute could not be resolved, STV might refer the parties to the VSBC.</p> <p>If the dispute is in relation to a Driver Agreement between taxi, hire car and rideshare drivers and their operators, the dispute must first be lodged with the Commercial Passenger Vehicles Victoria division of Safe Transport Victoria (CPVV). If the CPVV cannot resolve the dispute and mediation appears a viable solution, CPVV will provide parties with a certificate they can lodge with the VSBC for mediation. The certificate must be lodged with the VSBC within 30 days of being issued.</p>
Can complaints be made on behalf of someone?	Yes, complaints can be made on behalf of a small business with permission.
Exclusions	<p>The VSBC cannot take a complaint from:</p> <ul style="list-style-type: none"> • Employees: You can't complain to the VSBC as an employee. For example, about pay, dismissal or treatment at work. These are employment issues for Fair Work. • Private individuals acting in a personal capacity: You can't complain if your issue is personal, like a neighbour dispute, a

Eligibility	Description
	<p>private purchase, or a residential rental. The VSBC is only for business-related disputes.</p> <ul style="list-style-type: none"> • Customers or consumers: If you bought something as a customer and want a refund or replacement, you need to go to Consumer Affairs Victoria, not the VSBC. • Charities or community groups (not running a business): If you're a not-for-profit that isn't operating as a business (e.g. sports club, school committee), you may not be eligible to make a complaint. • Large businesses or listed companies: The VSBC is for small businesses. If you're a big company, publicly listed, or part of a corporate group, your complaint might not be accepted. • People or businesses not connected to the dispute: You can't make a complaint if you're not directly involved, for example, if you're a friend, advisor, or unrelated third party. • Complainants outside Victoria (with no Victorian connection): If your business is entirely based outside Victoria, and the dispute has nothing to do with Victoria (e.g. contract, premises, or parties), the VSBC can't help. • People trying to reopen a dispute that has already been resolved: If the matter has already been legally settled or finalised (e.g. through court, tribunal or a signed agreement), the VSBC won't take a new complaint.
Additional information you need to know	<p>Prior to submitting a complaint, you can call the VSBC on 1800 878 964 or email at enquiries@vsbc.vic.gov.au to determine whether the VSBC is the appropriate body.</p> <p>The VSBC has no definition of 'small business' and can deal with any dispute between businesses, with local or state government bodies or not-for-profits.</p>

Step 5: What remedies are available at this body?

Power	Description
Early help and informal resolution	The VSBC can contact the other party to explain the complaint, clarify rights and obligations, and try to resolve the issue early, before formal mediation. This may include phone calls, letters, or informal meetings.
Pre-mediation meetings	In some cases, the VSBC may offer a short, informal meeting between the parties to clarify the issues, build trust, and encourage participation in mediation. This is optional and non-binding.
Mediation	<p>The VSBC offers low-cost, confidential mediation with a neutral mediator to help both parties reach an agreement.</p> <ul style="list-style-type: none"> • If both sides agree, they sign a Terms of Settlement, which is legally binding.

	<ul style="list-style-type: none"> If one party breaks the agreement, the other can enforce it in VCAT or a court.
Arbitration (owner driver/forestry disputes only)	<p>If mediation fails in an owner driver or forestry contractor dispute, either party can ask for arbitration.</p> <ul style="list-style-type: none"> The VSBC appoints an independent arbitrator who makes a final, binding decision. The decision can be registered and enforced like a court order.
Farm debt mediation certificates	<p>For farm debt disputes:</p> <ul style="list-style-type: none"> If the farmer refuses or fails to mediate, the creditor can apply for an exemption certificate to start recovery action. If mediation fails, the VSBC issues a mediation failure certificate, which allows the creditor to proceed with enforcement.
Certificate of unsuccessful mediation	<p>If a mediation (in any matter) doesn't succeed or one party refuses to participate, the VSBC can issue a certificate of failed mediation.</p> <ul style="list-style-type: none"> This certificate is often needed to take the matter to VCAT or a court, especially for retail lease, owner driver, and other legislated disputes.
Certificate of unreasonable refusal to participate	<p>If one party refuses to take part in dispute resolution without good reason, the VSBC can issue a certificate stating this.</p> <ul style="list-style-type: none"> The certificate may be used as evidence in VCAT or court. The refusal may also be reported in the VSBC's Annual Report to Parliament.
Publication of refusal in Annual Report	<p>In serious cases of refusal to cooperate (especially by public bodies or large entities), the VSBC may include details in its Annual Report to Parliament. This is a form of public accountability which is not a legal penalty, but reputational pressure.</p>
Advisory information and education	<p>Throughout the process, the VSBC can provide plain-language guidance about rights, responsibilities, and good business practices, including relevant codes, legislation, and dispute options.</p>
Additional information you need to know	<p>If your dispute is not resolved at mediation, the VSBC can issue a certificate stating that the mediation was unsuccessful. This certificate can enable a party to progress the matter to litigation for some disputes.</p>

Step 6: Preparing your complaint. What should it include?

Requirement	Description
Format	A complaint should be made and submitted via the VSBC's online complaint portal available here .

Requirement	Description
Personal Details	<p>You will need to make an account with the VSBC's website, which requires you to provide the following details:</p> <ul style="list-style-type: none"> • First and Last Name • Email Address • Phone number (optional) <p>You will also need to specify whether you are an individual or business and company on the complaint form and if a company. You will need to specify the type of business you operate and your address.</p> <p>If you are applying as a business you will also need to provide your ABN and specify the number of people you employ.</p>
Respondent's Details	<p>You will need to specify whether the respondent is a business or an individual. You will need to provide:</p> <ul style="list-style-type: none"> • Details of the respondent's or the business / company/ trading name; • The type of business operated; • A contact person for the respondent (including name, and a phone number, email, and address if available). <p>You will also be asked to specify if someone is representing the respondent (e.g. real estate agent or lawyer) and provide these details.</p> <p>You can add multiple respondents to your complaint.</p>
Relevant Facts	<p>You will be asked to provide the following:</p> <ul style="list-style-type: none"> • if you have previously contacted the VSBC about the dispute; • if you have lodged the dispute with another organisation / dispute resolution body; • a brief description of the dispute; and • the outcome you are seeking (including, if applicable, the total monetary claim sought).
Supporting Documents	<p>The online application form on the VSBC website allows applicants to submit any supporting documentation that may be relevant or useful for the VSBC member who reviews your complaint application.</p> <p>Helpful documents to upload may include:</p> <ul style="list-style-type: none"> • Any correspondence between yourself and the complainant addressing the issue or setting out previous attempts to resolve the issue; • Any images, photos or diagrams which may provide further context to the issue; • Any notices, demands or other such documents connected to the dispute.

Requirement	Description
What NOT to include	Do not include false or misleading statements in your submission.
Additional information you need to know	<p>A copy of the complaint will be given to the respondent, including any accompanying documents and the identity of the complaint. You must notify the VSBC if you do not want this to occur as submission of your application otherwise indicates your agreement for this to occur.</p> <p>If you are a tenant applying for help to resolve a retail tenancy dispute, please make sure you have the full details of your landlord, as this information will be required (part C of the application form).</p> <p>The VSBC doesn't provide legal or other professional advice and therefore recommends seeking this advice from a suitably qualified and experienced person (e.g. a lawyer, an accountant).</p>

Step 7: Lodging your complaint and next steps.

Step	Description
Where to lodge your complaint	<p>Online form: available here.</p> <p>Applying is where you fill in a form, explaining your dispute and what you are seeking, and submit it to the VSBC.</p> <p>You cannot submit a complaint via the VSBC's enquiries email address or by phone.</p>
Receipt/ acknowledgement of complaint	When you lodge your dispute with the VSBC, you will receive an email acknowledging it and the VSBC will assign you with a dispute resolution officer. <i>It is currently taking approximately 20 weeks for complaints to be processed and responded to.</i>
Assessment/ investigation	The VSBC will determine whether an application is appropriate to be handled by it or more appropriate to be handled by another body. This is assessed by a VSBC officer / employee via either review of the initial application made and/or a preliminary phone call with one (or more) of the parties to the complaint.
Informal resolution / agreement	<p>A dispute resolution officer will be assigned to the file and will contact both you and the respondent.</p> <p>The dispute resolution officer will attempt to resolve the matter before referring parties on to mediation. This may include communication with both parties individually by phone or email, or in some cases the officer may choose to try arrange and facilitate a meeting with both parties.</p>
Mediation	<p>Where attempts at informal resolution fail, the dispute resolution officer will refer the matter to mediation.</p> <p>The mediation services team at the VSBC will arrange a date, time and location that suits both parties. Mediations can occur virtually, or in the</p>

Step	Description
	<p>VSBC's Melbourne office. Regional parties also have the option of attending a mediation location in regional Victoria.</p> <p><u>Process</u></p> <p>Parties attend on the day of mediation at the designated location, bringing legal or professional representation or a support person (family or friend). If a party intends to bring representation or a support person, they must notify the VSBC with the name(s) and role of such persons prior to the mediation.</p> <p>A person authorised to make decisions on behalf of the parties must be in attendance on the day, specifically someone authorised to enter into settlement terms on the day if an agreement is reached.</p> <p>The VSBC provides a mediation checklist for parties to work through, which sets out what parties should prepare ahead of time, what parties should bring on the day, and other helpful guidance to ensure the mediation is as productive and has the best chance of succeeding possible.</p> <p><u>Fees</u></p> <p>Please note the following fees (which are government subsidised rates) apply to mediation:</p> <ul style="list-style-type: none"> • For most commercial disputes – a cost of \$300 (inc. GST) for a half day session and \$600 (inc. GST) for a full day session will be payable by each party; • For farmers and creditor disputes over farm debt - \$195 is payable by each party for a full day session. <p>Mediation fees are payable within 7 days of mediation, and if a party fails mediation is cancelled.</p> <p>If mediation is cancelled (due to attendance without full authority of if mediation is cancelled or rescheduled within 5 business days of the scheduled mediation), a mediation cancellation fee may be charged. This fee is \$900 for a half day and \$1,350 for a whole day.</p> <p>Note that if a mediation is cancelled, VSBC has full discretion on whether it provides a second mediation and parties will not receive government subsidisation on this second mediation.</p>
Terms of Settlement (if mediation successful)	<p>Where mediation is successful, the mediator will prepare and have both parties sign a terms of settlement. This sets out the terms of the agreement reached and is legally enforceable on both parties.</p> <p>If a party breaches the terms of settlement, it can be taken to the Victorian Civil and Administrative Tribunal (VCAT) or the courts for enforcement.</p> <p>Terms of settlement cannot be set aside, rewritten or enforced by VSBC once signed. You can apply to VCAT to challenge an agreement, however VSBC advises seeking legal advice prior to proceeding with such course of action.</p>

Step	Description
Certificate Issued (if mediation is unsuccessful)	<p>A certificate issued by VSBC can be used as evidence in proceedings before a court or VCAT.</p> <p>If a party refuses to participate in mediation, VSBC can issue a certificate stating as such.</p> <p>If the matter involves retail leasing, goods/freight owner drivers, or taxi/hire-car/rideshare disputes, VSBC can choose to issue a certificate certifying that reasonable attempts at mediation (or arranging mediation) were made but failed due to:</p> <ul style="list-style-type: none"> • A party refusing to participate, failing to show up for or withdrawing from participation in mediation; • A party was uncontactable for mediation; and • A respondent agreed to mediation but was unavailable to attend mediation for a significant period of time.
Arbitration (Owner Driver and Forestry Contractor disputes only)	<p>Where mediation fails, or parties agree it is unlikely to be successful, a binding arbitration can be arranged by VSBC at the expense of the parties. Unlike mediation, the arbitrator can make a final, legal binding decision (acting like a judge in effect). This is a more cost effective and time efficient alternative to parties attending court.</p>
Additional information you need to know	<p>Complainants should be aware of the following:</p> <ul style="list-style-type: none"> • It is a good idea to keep a copy of the complaint made. • You should update the complaint body about any changes that impact on your complaint. • You should try to provide all relevant information at the outset. If you drip feed information over time, that can slow your complaint down. <p>If parties are seeking urgent mediation, the VSBC will try to accommodate. However, if you require an urgent injunction (eg. to require a party from do something or stop doing something), it may be best to approach the Courts or VCAT. VSBC's website indicates there is a 20-week response time to applications currently. Once the VSBC assigns a case officer to the matter, mediation will generally occur within 6-8 weeks of that occurring (unless the matter is urgent).</p> <p>An interpreter will be provided by VSBC if required at no cost.</p>

Step 8: Post-complaint – what if you are not happy with the outcome of your complaint?

Avenue	Description
Internal review opportunities	<p>If you are not happy with the outcome from the dispute resolution services provided by the VSBC, you can send the VSBC feedback or a complaint about your mediation or dealings with a VSBC staff member:</p> <ul style="list-style-type: none"> • by email to: enquiries@vsbc.vic.gov.au; or

Avenue	Description
	<ul style="list-style-type: none"> by post to: The Victorian Small Business Commissioner, GPO Box 4509, Melbourne, Victoria 3001 <p>The actual party to the dispute must make the complaint. A complaint can be sent to the VSBC via your representative such as an agent or lawyer.</p> <p>If you send the VSBC a complaint about its services, they will contact you within five working days. The VSBC will let you know it has received your complaint and are reviewing the concerns you have raised.</p> <p>A VSBC staff member will be appointed to carry out the review. During the review, you might be contacted with a request to discuss your complaint or to provide further information.</p> <p>Once the VSBC has completed the review, it will contact you with the outcome.</p> <p>The VSBC cannot set aside, rewrite or enforce an agreement that has been reached at mediation. If you want to challenge or enforce an agreement, it might be appropriate for you to apply to the Victorian Civil and Administrative Tribunal (VCAT). Before doing so, you might want to consider getting legal advice.</p>
External review/ remedies	<p>You can seek to escalate the matter by taking it to the courts or VCAT for further litigation. This can be done if mediation fails to resolve a dispute and the VSBC has issued a certificate.</p> <p>If terms of settlement are signed following mediation but a party is either no longer happy with the terms or feel as though they are being breached, the dispute can be escalated to the courts or VCAT as well. When applying to VCAT, applicants will need to provide a copy of the terms of settlement and the VSBC file reference number.</p>
Additional information you need to know	VSBC advises seeking legal and other professional advice and support before proceeding to take a complaint further to forums such as VCAT and the courts.

Step 9: Other bodies that handle complaints about small business related complaints

Complaint body	Description
Victorian Ombudsman	<p>The Victorian Ombudsman deals with complaints about Victorian public organisations.</p> <p>Website: https://www.ombudsman.vic.gov.au/</p> <p>Phone: 1800 806 314</p> <p>Access the complaint form here.</p>
Safe Transport Victoria (STV)	STV is a government body that manages the regulation of commercial passenger vehicles, buses and the maritime sector. The STV will receive and handle complaints involving organisations or individuals

Complaint body	Description
	<p>operating within the marine, commercial passenger vehicle, private bus, or driving instructor industries.</p> <p>Website: https://safetransport.vic.gov.au/</p> <p>Phone: 1800 638 802</p> <p>Email: contact@safetransport.vic.gov.au</p> <p>Access the complaint form here.</p>
Victorian Civil and Administrative Tribunal (VCAT)	<p>VCAT deals with a range of issues, including retail and commercial leases, goods and services, and building and construction. In some cases, VCAT will require parties to go through the VSBC mediation process first (as set out above) before a dispute can be brought before the tribunal.</p> <p>Website: https://www.vcat.vic.gov.au/</p> <p>Phone: 1300 018 228</p>
Resources Victoria (RV)	<p>RV manages complaints about earth resource regulator sites and holders of licences granted by the body. RV will accept complaints concerning licence holders who are alleged to not be complying with legislation, conditions, work plans or other relevant requirements, and conduct further investigation in</p> <p>Website: https://resources.vic.gov.au/</p> <p>Access the complaints form here.</p>
Victorian Mining Warden	<p>The Victorian Mining Warden is an independent statutory office holder that investigates and attempts to resolve disputes by mediation, conciliation and arbitration. Disputes can be brought by mining licence holders, community members and landowners. The issues the Victorian Mining Warden can address include the administration of a licence, access to land and compensation for access to land.</p> <p>Website: https://resources.vic.gov.au/legislation-and-regulations/victorian-mining-warden</p> <p>Phone: +03 8622 7613</p> <p>Email: miningwarden@miningwarden.vic.gov.au</p> <p>Access the disputes form here.</p>
Consumer Affairs Victoria (CAV)	<p>Consumer Affairs Victoria (CAV) is Victoria's consumer marketplace regulator which administers over 30 legislative schemes in Victoria.</p> <p>Website: https://www.consumer.vic.gov.au/</p> <p>Phone: 1300 55 81 81 or 132 VIC (132 842)</p> <p>Access the complaints form here.</p>
Australian Competition and Consumer	<p>The ACCC can help small business owners resolve and address disputes with another business or a customer. The ACCC would be better suited for disputes or complaints that relate to consumer contracts for the provision of goods and/or services.</p>

Complaint body	Description
Commission (ACCC)	<p>Website: https://www.accc.gov.au/</p> <p>Phone: 1300 302 502 (consumers) or 1300 302 021 (businesses)</p>
Australian Financial Complaints Authority (AFCA)	<p>AFCA can assist small businesses and sole traders in relation to disputes concerning banking, credit, finance, loans and some insurance policies. AFCA has a limit on the size of credit facilities it can assist with, with a cap on these not being greater than \$5,000,000.</p> <p>Website: https://www.afca.org.au/</p> <p>Phone: 1800 931 678</p> <p>Access the complaints form here.</p>
Victorian Equality Opportunity and Human Rights Commission (VEOHRC)	<p>Complaints about discrimination can be made in some circumstances to the VEOHRC, which is the Victorian state-based human rights body. See https://www.humanrights.vic.gov.au/ for more information.</p> <p>These complaints go through a conciliation phase at the commission. If they are not resolved, they can then be referred to the Victorian Civil and Administrative Tribunal or the Federal Court for adjudication.</p> <p>Website: https://www.humanrights.vic.gov.au/</p> <p>Phone: 1300 292 153</p> <p>Email: enquiries@veohrc.vic.gov.au</p> <p>Access the complaints form here.</p>
Office of the Victorian Information Commissioner (OVIC)	<p>The Office of the Victorian Information Commissioner (OVIC) can handle complaints about the way personal information has been handled by Victorian Government agencies and some private organisations. The OVIC can also review freedom of information decisions that are made by Victorian Government agencies and ministers.</p> <p>Website: https://ovic.vic.gov.au/</p> <p>Phone: 1300 006 842 (1300 00 OVIC)</p> <p>Access the complaints form here.</p>
Independent Broad-based Anti-corruption Commission (IBAC)	<p>IBAC is responsible for preventing and exposing public sector corruption in Victoria. This covers Victorian state and local government, Victoria Police, Victoria Parliament and the Victorian judiciary. They form part of Victoria's integrity system alongside the Victorian Inspectorate and Victorian Parliament.</p> <p>Website: https://www.ibac.vic.gov.au</p> <p>Phone: 1300 735 135</p> <p>Email: info@ibac.vic.gov.au</p> <p>Access the complaints form here.</p>

Need help to preparing or pursuing your complaint?

Below are organisations that may be able to help you to make your complaint, provide support or advocacy during the complaint process or give you more information.

Organisation	Contact Details	How they can help
The VSBC	Website: https://www.vsbv.vic.gov.au/ Phone: 1800 878 964 Email: enquiries@vsbv.vic.gov.au	You can contact the VSBC if you have questions about disputes resolution process, need more information before making a dispute resolution request or have further information about an existing application.
Translating and Interpreter Service	Website: www.tisnational.gov.au Telephone: 131 450	Provide support to people if English is not their first language.
National Relay Service	Website: www.accesshub.gov.au	Provides a range of services to support people who are deaf or have a hearing or speech impairment to communicate.
Rural Financial Counselling Service	Website: https://www.agriculture.gov.au/agriculture-land/farm-food-drought/drought/assistance/rural-financial-counselling-service Telephone: 1300 771 741 Location: There are a number of offices, throughout each region. Locate closest on website.	Rural Financial Counselling Service offers free and independent financial information, support and referral services for rural small businesses or primary producers experiencing or at risk of financial hardship. Rural financial counsellors can assist with mediation preparation, provide support on the mediation day and assist with any post-mediation activities.

Self-help tools and additional resources

Resource	How this helps
How to apply to the VSBC	Guidance on how to apply for dispute resolution assistance from the VSBC
Call It Out	Online register for racism/discrimination experienced or witnessed towards First Nations Australians. Not an official complaints body.

Resource	How this helps
Law Society: Know Your Rights	Guidance for individuals who are uncertain about where to start when seeking legal advice.

Citations here:

- [About us & what we do | Victorian Small Business Commission](#)
- [How we help | Victorian Small Business Commission](#)
- [Who we help | Victorian Small Business Commission](#)
- [Dispute resolution process | Victorian Small Business Commission](#)
- [Tips to help you resolve a dispute before mediation | Victorian Small Business Commission](#)
- [How mediation works | Victorian Small Business Commission](#)
- [Mediation checklist | Victorian Small Business Commission](#)
- [Entering into a retail lease | Victorian Small Business Commission](#)
- [Small business support | Victorian Small Business Commission](#)
- [Case studies | Victorian Small Business Commission](#)
- [VSBC, VCAT and the courts | Victorian Small Business Commission](#)
- www.tisnational.gov.au
- www.accesshub.gov.au
- <https://www.agriculture.gov.au/agriculture-land/farm-food-drought/drought/assistance/rural-financial-counselling-service>