

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.

Western Australian Small Business Commissioner (SBC)

In this fact sheet, we introduce the Western Australian Small Business Commissioner ('SBC'). We outline how complaints can be made by individuals to the SBC.

The Small Business Development Corporation is a government agency. A person can make a complaint to the SBC about issues impacting small business operations or disclose information that leads the SBC to commence an investigation.

Legislation and Key Terms

Relevant Legislation:

- [Small Business Development Corporation Act 1983 \(WA\)](#)

Key terms:

Alternative dispute resolution (ADR): As defined in the Small Business Development Corporation Act 1983 (WA), ADR means conciliation, mediation, or another form of dispute resolution that, in the Commissioner's opinion, is appropriate to help resolve a dispute.

Case manager: A case manager is an SBDC staff member who helps the parties in a dispute understand the issues, clarify what is in dispute, explore options for resolution, and decide whether the matter may be suitable for mediation or some other next step. This is part of SBDC's dispute resolution service, not a formal decision-making role.

Complainant: As defined in the Act:

- (a) a person who makes a complaint to the Commissioner about a matter that affects the commercial activities of small business; or

(b) a person who discloses information to the Commissioner that, whether alone or with other information, results in the Commissioner commencing an investigation.

Commissioner: The Small Business Commissioner for Western Australia. Under the Small Business Development Corporation Act 1983 (WA), the Chief Executive Officer of the Small Business Development Corporation is also the Small Business Commissioner. The Commissioner has functions including receiving complaints, investigating matters affecting small business, assisting with dispute resolution, and providing ADR services.

Commercial activities of small business: This refers to the business operations, trading activities, and commercial dealings of a small business. It is the core link that brings a matter within the Commissioner's complaint and investigation role. If the issue does not affect the commercial activities of a small business, it is less likely to fall within this pathway.

Facilitator: As defined in the Act, a facilitator is a person appointed by the Commissioner to conduct an alternative dispute resolution proceeding. This may include, for example, a mediator or another suitably qualified person.

Landlord: In a retail shop lease context, the landlord is the person or entity that grants the lease of the retail premises. A landlord can ask SBDC for assistance with a retail shop lease dispute.

Local government: A local government body in Western Australia. Under the Act, the Commissioner's functions can extend to disputes or matters involving the actions of a local government where those actions affect the commercial activities of a small business.

Mediation: A voluntary dispute resolution process where an independent mediator helps the parties try to reach their own agreement. The mediator does not decide who is right or impose an outcome. SBDC states that agreements reached in mediation are legally binding and enforceable.

Public sector body: A public sector body in Western Australia whose actions may affect the commercial activities of a small business. The Act expressly includes public sector bodies within the Commissioner's investigation and small business dispute functions.

Retail shop lease dispute: A dispute between a landlord and tenant connected with a retail shop lease. Under the Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA), the Small Business Commissioner can assist with these disputes, and in many cases a certificate from the Commissioner is needed before a matter can proceed to the State Administrative Tribunal.

Safe2Say: SBDC's anonymous reporting platform for reporting conduct believed to have an adverse impact on small businesses in Western Australia. SBDC says it can be used to report unfair business practices anonymously and allows ongoing anonymous communication and follow-up.

Small business: As defined in the Act, a small business is a business undertaking:

(a) which is wholly owned and operated by an individual person or by individual persons in partnership or by a proprietary company and which:

(i) has a relatively small share of the market in which it competes; and

(ii) is managed personally by the owner or owners or directors, as the case requires; and

(iii) is not a subsidiary of, or does not form part of, a larger business or enterprise;

or

(b) which is declared by the Governor by Order in Council to be a small business for the purposes of this Act.

Small business dispute: As defined in the Small Business Development Corporation Act 1983 (WA), a small business dispute means a dispute about:

(a) an unfair market practice that affects a small business; or

(b) the actions of a public sector body or local government that affect the commercial activities of a small business.

State Administrative Tribunal (SAT): A separate tribunal that can determine certain retail shop lease disputes and other legal matters. SAT is not part of SBDC's own complaint process. In retail shop lease matters, a person will often need a certificate from the Small Business Commissioner before applying to SAT.

Subcontractor support service: An SBDC service that supports subcontractors in the construction industry who have concerns about non-payment or poor business practices. It sits within the Commissioner's broader small business complaint and assistance functions.

Tenant: In a retail shop lease context, the tenant is the person or entity leasing the retail premises. A tenant can ask SBDC for assistance with a retail shop lease dispute.

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

You can complain to the Western Australian Small Business Commissioner (SBC) about any matter that affects the commercial activities of a small business. This includes:	
Sub-category	Example
Report unfair business practice <i>Small Business Development Corporation Act 1983 (WA) ss 15A–15E</i>	You should report unfair business practice if another business, a State Government body, or a local government body is engaging in conduct that is adversely affecting the commercial activity of small businesses. This includes systemic late payment, non-payment, unfair contract terms, breach of contract, greenwashing and black cladding. <i>Examples:</i> • A small catering business wants to report a national company that regularly takes 90 days to pay small suppliers, even though the invoices say 30 days. • A small gym owner wants to report a service provider whose standard contract lets the provider change prices mid-contract and lock small businesses into long notice periods with heavy exit fees. • A genuine Aboriginal-owned business wants to report a tender process where another bidder appears to be falsely presenting itself as Aboriginal-owned to win government work. • A small cleaning products business wants to report a competitor advertising its products as “fully eco-friendly” and “non-toxic” without any clear basis, and believes this is affecting sales.
Business dispute resolution service <i>Small Business Development Corporation Act 1983 (WA) ss 15B–15E</i>	You should use SBDC’s dispute resolution service if you are a small business owner in a business-to-business or business-to-government dispute and want help to try to resolve it. This service can help with disputes about contracts, leases, non-payment or non-performance, unfair terms and other issues. It is a voluntary process in which case managers help the parties understand the issues, clarify their rights and responsibilities, and explore options to resolve the matter. <i>Examples:</i> • A café ordered a new commercial fridge for the business, paid the deposit, and the supplier has still not delivered it months later. • A small printing business completed work for another business, but the customer is refusing to pay the final invoice and says the work was not done properly. • A small business signed a service agreement and now says the other party is relying on a contract clause that was not properly explained and is unfair in practice. • A local supplier is in dispute with a government agency about whether goods were delivered in accordance with the purchase order and wants help resolving the payment issue.
Subcontractor support for non-payment and poor practice in the construction industry <i>Small Business Development Corporation Act 1983 (WA) ss 14A(1)(b), 14A(1)(ea), 15A–15E</i>	You should contact SBDC’s subcontractor support service if you are a subcontractor in the construction industry and want to raise concerns about non-payment or poor practice. The Small Business Commissioner can investigate complaints of non-payment and poor practice in the construction industry, and encourages subcontractors to contact it about late payments, coercive behaviour and breaches of contract terms involving another business or a WA or local government organisation. <i>Examples:</i> • A tiling subcontractor finished its stage of work on an apartment project, but the head contractor keeps pushing back payment dates and has not released the retention money. • An electrical subcontractor says the builder is pressuring it to accept a reduced payment and warning that it will not get future work if it refuses. • A concreting subcontractor says the other party is not following the payment and variation terms in the subcontract, and the dispute is now affecting cash flow on the project. • A painting subcontractor working on a State Government job is worried that the head contractor’s financial problems will leave completed work unpaid.
Retail shop lease dispute <i>Commercial Tenancy (Retail Shops) Agreements Act 1985 (WA) ss 25A, 30A</i>	You should ask SBDC for assistance with a retail shop lease dispute if you are a retail landlord or tenant and need help to try to resolve a dispute about a retail shop lease. The Small Business Commissioner’s role is to provide assistance to attempt to resolve disputes relating to retail shop leases, and both landlords and tenants can approach SBDC for assistance. <i>Examples:</i> • A retail tenant in a shopping centre says the landlord is charging outgoings that were not properly explained under the lease and wants help to challenge the amount. • A shop owner says building works near the premises have blocked customer access for weeks and the landlord will not discuss compensation or rent relief. • A retail tenant says the landlord has not carried out repairs the landlord is responsible for, and the poor condition of the premises is affecting trade. • A landlord and retail tenant disagree about what the lease requires at the end of the tenancy, including whether the tenant has to carry out make-good works before the bond or bank guarantee is returned.

Commercial farm debt mediation	You should seek mediation for a commercial farm debt dispute if a farm or pastoral business, or a financial institution, wants help to resolve a dispute about the terms and conditions of a loan contract or associated commercial farm debt. <i>Examples:</i> • A grain grower is in dispute with the bank about repayment terms under a farm business loan after a poor season and wants mediation before enforcement action progresses. • A pastoral business says the lender has changed the way the debt is being managed and the parties need help to negotiate a workable arrangement. • A farming business is in dispute with a financier about arrears under equipment finance for machinery used in the business. • A lender and a farm business want mediation about a disputed commercial farm debt so they can try to reach agreement on next steps.
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Step 2: What is the Jurisdiction of the complaints body?

Jurisdiction	Description
State	This SBC has powers to receive, investigate and assist with complaints under the law of Western Australia.
Geographical Scope	The pathway is directed to small business matters connected with Western Australia. For mediation, the dispute must involve a property or business located in WA, or a service delivered in WA.
Time Limitations	There are no time limitations specified for making a complaint. It is recommended that complaints to be made as soon as possible.
Exclusions	This pathway is not for ordinary consumer complaints by customers or ordinary employment complaints. SBDC directs customer complaints to Consumer Protection and employee issues to Fair Work or the relevant State industrial relations body.
Exercise of discretion	The parties to a small business dispute may request ADR. The Commissioner must then decide whether the parties should seek further advice or assistance, whether ADR should commence, or whether ADR should be refused.

Step 3: Who can you make a complaint against?

Respondent	Description
Private sector business or organisation	A complaint or report may concern a private sector business or organisation whose conduct adversely affects the commercial activities of a small business. The Commissioner may investigate behaviours from the private sector that adversely impact small businesses.
Individual person	A complaint may involve an individual if the person is connected with a matter affecting the commercial activities of small business. The Act allows the Commissioner to investigate any person in relation to such a matter.
Public sector body	A complaint or dispute may involve a WA public sector body where its actions affect the commercial activities of a small business. The Act expressly refers to public sector bodies in the Commissioner's investigation and small business dispute functions.
Local government	A complaint or dispute may involve a local government where its actions affect the commercial activities of a small business. The Act expressly includes local government in the Commissioner's investigation and small business dispute functions.
Landlord or tenant in a retail shop lease dispute	For retail shop lease disputes, both tenants and landlords can approach SBDC for assistance. This is a specific dispute-resolution pathway connected with retail shop leases, not a general power for the Commissioner to decide the lease dispute.

Step 4: Are you eligible to make a complaint?

Eligibility	Description
Who can make a complaint?	Any person can make a complaint about any matter that affects the commercial activities of a small business.
Pre-requisite steps	There are no pre-requisite steps.
Can complaints be made on behalf of someone?	The Act allows you to provide information or make a complaint about a matter affecting small business. However, if SBDC is being asked to assist or negotiate for a particular business, the affected business owner, operator, or authorised representative may need to participate or confirm authority.

Willingness to participate	SBDC's dispute-resolution and mediation processes depend on the parties being willing to participate. Mediation is a voluntary process where the mediator supports the parties to reach their own agreement but cannot decide the outcome
Exclusions	There is no express restriction on who may lodge a complaint. However, the Commissioner may decide not to investigate a matter, provide assistance or give a report if the Commissioner considers it inappropriate to do so.

Step 5: What remedies are available at this body?

Power	Description
Provide assistance to attempt resolution	The Commissioner may provide assistance to attempt to resolve a complaint, dispute, or matter, but only as the Commissioner considers appropriate. This is not a guaranteed remedy.
Make representations	The Commissioner may make representations to another person or body on behalf of a small business that has made a complaint.
Provide ADR services	The Commissioner may provide ADR services for small businesses. The Commissioner may decide whether to commence ADR, require further advice or assistance first, or refuse ADR. If the Commissioner decides to commence ADR, the Commissioner may appoint a person with appropriate skills and experience to conduct the proceeding.
Mediation	Mediation is a voluntary structured negotiation process with an independent accredited mediator. The mediator cannot decide the outcome; the parties are supported to reach their own agreement. If the parties reach agreement through mediation, SBDC states that the agreement is legally binding and can be enforced. This is an agreement between the parties, not an order imposed by the Commissioner.
Report to Minister or government entity	The Commissioner may give a report to the Minister or a government entity on an investigation. If the report contains adverse information about a person, the Commissioner must first give that person a reasonable opportunity to make written submissions.
Exclusions	The Commissioner does not decide the legal rights of the parties, make court or tribunal orders, force a party to negotiate, force a party to agree, act as a party's lawyer, or guarantee a particular outcome. Mediation remains party-controlled, and any court or tribunal claim is separate from the Commissioner's complaint process.

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

Requirement	Description
Format	There is no prescribed form or method for making a complaint. The complaint can be made by phone, online or post. Interpreters are available free of charge.
Personal Details	There is no specifically required information and complaints can be made anonymously.
Respondent's Details	There is no specifically required information. If raising a complaint on the Safe2Say platform, the form requests details of the person being reported including Directors ID (if known), Business Name, ABN, Government entity name, location of project or business.
Relevant Facts	There is no specifically required information. It is If raising a complaint on the Safe2Say platform, the form requests: - Type of conduct to report category - A comprehensive summary of the matter - Area related to category - Date or period of conduct - Upload of any supporting evidence
What NOT to include	Do not include false or misleading statements.

Step 7: Lodging your complaint and next steps.

Step	Description
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Where to lodge your complaint	- By phone (8.30am - 4.30pm, Monday to Friday): - Office: 08 6552 3300 - Business advisory service: 133 140 - Subcontractor support helpline: 1300 110 232 Website: - Safe2Say: https://small-business-development-corporation.safe2say.com.au/report/4902f6c8-b61e-4599-9f62-594d91784455 - Form: https://www.smallbusiness.wa.gov.au/contact-us - Live chat: https://www.smallbusiness.wa.gov.au/live-chat Post: GPO Box C111, Perth, Western Australia 6001 Visit: Level 2, 140 William Street, Perth, Western Australia 6000 (Access from William Street)
Initial Assessment	A complaint may be raised with the SBC in a number of ways, including through advisory services, dispute resolution services, or by making a Safe2say report. The matter will be assessed to determine whether it falls within scope and how it may be addressed.
Timeframe	For Safe2Say reports, you will know the next steps within five business days of submitting the report. You do not have to identify themselves at any stage unless they choose to.
Next steps	- For disputes, SBDC may first provide business advisory support. Advisers may ask about the dispute and suggest steps that could help resolve it quickly, without contacting the other party. SBDC describes its business advisory service as free for small business owners in WA. - If the dispute is not resolved after advice, you may be asked whether they want help negotiating with the other party through SBDC's dispute-resolution service. - If the dispute is referred to dispute resolution, an impartial case manager may be assigned. The case manager may contact both sides, clarify the issues, explore possible solutions, request documents, and recommend further specialist advice. - If case management does not resolve the dispute, the case manager may refer the matter to mediation if suitable. Not all disputes are suitable for mediation. Mediation usually costs \$125 per party per session.
Anonymous complaints	Once a Safe2say report is raised, the SBC, supported by the SBDC's investigators, will undertake a preliminary assessment to determine what action may be taken and by whom. The report may be referred to another authority if appropriate. The next steps will be communicated within five business days.
Additional information	If a mediation session is cancelled within 48 hours of the appointed time, SBDC states that a \$1,250 cancellation fee may apply to the party that cancelled, and the \$125 mediation fee will not be refunded.

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

Avenue	Description
Internal review opportunities	There is no right of appeal or review of an outcome.
Complain about SBDC's own service	If your concern is about how SBDC itself treated you (for example delay, poor communication, or how staff handled the matter) you can make a complaint to SBDC. You can raise it with any staff member or lodge it directly with its Director of Corporate Resources.
Complain to Ombudsman WA	If your issue is about SBDC's administrative handling of your matter and you are still unhappy after raising it with SBDC, you may be able to complain to Ombudsman WA. Ombudsman WA says people should usually complain to the public authority first and can then go to the Ombudsman if they are unhappy with the response or the authority takes too long.
External review / remedies	If the issue gives rise to a legal claim, the complainant may take the matter to a Court or, where appropriate, a Tribunal such as the State Administrative Tribunal. If your underlying dispute involves legal rights (for example a contract dispute, debt claim, lease dispute, or other enforceable issue) you may need legal advice about court or tribunal options. That is separate from SBDC's complaint, investigation, assistance, or mediation process.

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

Complaint body	Description
Consumer Affairs	If you have a problem that relates to consumer affairs or fair trading, contact your state or territory body: • ACT: Access Canberra 13 22 81 • NSW: NSW Fair Trading 13 32 20 • NT: NT Consumer Affairs 1800 019 319 • QLD: Office of Fair Trading Queensland 13 74 68 • SA: SA Office of Consumer and Business Services (CBS) 131 882 • TAS: Tasmanian Consumer Affairs & Fair Trading 1300 65 44 99 • VIC: Consumer Affairs Victoria (CAV) 1300 55 81 81 • WA: WA Consumer Protection - Department Of Mines, Industry Regulation and Safety 1300 304 054
Australian Competition and Consumer Commission (ACCC)	The ACCC promotes competition and fair trading and regulates national infrastructure to make markets work for everyone. The ACCC accepts and records reports of information about business practices and behaviours that concern consumers. It does not resolve individual complaints or provide legal advice on a consumers' rights and obligations under the law. Tel: 1300 302 502
WA Ombudsman	The Ombudsman investigates complaints about Western Australian public authorities including: State Government departments, agencies and boards; government services such as hospitals, prisons, schools and technical colleges; public universities and; local governments.
Commonwealth Ombudsman	The Commonwealth Ombudsman investigates complaints about federal government organisations and agencies. Website: https://www.ombudsman.gov.au/ Phone: 1300 362 072 Access the complaint form here.
Australian Small Business and Family Enterprise Ombudsman (ASBFEO)	ASBFEO understands the challenges facing small and family businesses and provides advice and research to improve policies, access to dispute resolution information and services and mental health support should the need arise. Website: How we help ASBFEO Phone: 1300 650 460 Access the dispute form here.
Australian Securities and Investments Commission (ASIC)	For inquiries and complaints relating to consumer protection matters in securities, futures, life insurance, general insurance, deposit-taking activities and the supervision of superannuation funds. Tel: 1300 300 630
Australian Human Rights Commission	The Australian Human Rights Commission (AHRC) can handle complaints about discrimination that occurs in employment, education, the provision of goods and services, accommodation, sport or the administration of Commonwealth laws and services. If you have experienced discrimination, bullying or harassment on the basis of you ex, disability, race, age or sexual preference the AHRC may be able to help. There are also State Government discrimination complaint bodies who may also be able to assist.
Office of the Australian Information Commissioner (OAIC)	The Office of the Australian Information Commissioner (OAIC) can handle complaints about the way personal information has been handled by Australian Government agencies and some private organisations. The OAIC can also review freedom of information decisions that are made by Australian Government agencies and ministers. There are also State Government privacy and information complaint bodies who may also be able to assist.
National Anti-Corruption Commission (NACC)	The National Anti-Corruption Commission (NACC) handles complaints about serious or systemic corruption in the Australian Government public sector. There are also a State Government corruption complaint bodies who may also be able to assist.
Courts and Tribunals	Courts and tribunals can make binding and enforceable determinations. You may want to seek legal advice about the option of pursuing your complaint at court if it relates to: - compensation (including workers compensation claims; - development application decisions; - orders made by local councils; - decisions, fines and orders of regulators and licensing authorities; or



	and disputes over expert assessments.
State Administrative Tribunal (SAT)	The SAT resolves various legal disputes and can make binding determinations. SAT deals with matters such as residential tenancies, planning and environment, civil claims and human rights. It provides a less formal and more accessible alternatives to court.
Fair Work Ombudsman	The Fair Work Ombudsman handles complaints about workplace rights and entitlements, including pay, leave and working conditions. It can investigate potential breaches of workplace laws, provide advice and assistance, and take enforcement action where appropriate.
Department of Local Government, Industry Regulation and Safety	The WA Department of Local Government, Industry Regulation and Safety handles complaints and provides regulation across a range of areas, including consumer protection, building and energy safety, and labour relations. It can investigate potential breaches of State laws, provide advice and assistance, and take enforcement action where appropriate.

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
Law Access WA	Website: lawaccess.org.au Telephone: (08) 6488 8725 (Monday to Friday between 9am and 4:30pm)	Provide support for those who cannot get legal assistance from legal aid, a community legal centre or other legal services. Considers applications from not-for-profits and individuals in genuine need of legal assistance on a means tested basis.
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.
Legal Aid WA	Website: www.legalaid.wa.gov.au Telephone: 1300 650 579	Provides resources to assist the community with their legal concerns and offer services aimed at groups or individuals with particular legal problems.
Legal Yarn	Telephone: 1800 319 803	A culturally safe telephone information service for Aboriginal and Torres Strait Islander People.

Self-help tools and additional resources

Resource	How this helps
SBDC Services	Access to a range of services including advisory services, subcontractor support and dispute resolution service.



Resource	How this helps
Reporting an issue	Guidance on how to report unfair business practices.
Call It Out	Online register for racism/discrimination experienced or witnessed towards First Nations Australians. Not an official complaints body.
Find a Lawyer Law Society WA	A list of lawyers available in Western Australia.
Law Society: Know Your Rights	Guidance for individuals who are uncertain about where to start when seeking legal advice.

Citations here:

- Small Business Development Corporation website: <https://www.smallbusiness.wa.gov.au/>
- [Small Business Development Corporation Act 1983 \(WA\)](#)