

The Office of the Victorian Small Business Commissioner

National Summit 2009
Thursday 12 November

Small Business Commissioner

The Office of the Victorian Small Business Commissioner works with three Acts of Parliament:

- Small Business Commissioner Act 2003
- Retail Leases Act 2003
- Owner Drivers and Forestry Contractors Act 2005

Small Business Commissioner Act 2003

The main purpose of the *Small Business Commissioner Act* is to:

- *enhance a competitive and fair operating environment for small business in Victoria*

Functions of the VSBC

The main functions of the VSBC are to:

- *facilitate and encourage the fair treatment of small businesses in their commercial dealings with other businesses in the marketplace*
- *promote informed decision-making by small businesses in order to minimise disputes with other businesses*
- *receive and investigate complaints by small business regarding **unfair market practices** and mediate between the parties involved in the complaint*

Small Business Commissioner

- Over 6,200 dispute applications
- Assisted to resolve disputes valued at over \$200 million
- Mediation success rate around 80%
- 30% of all disputes are resolved prior to mediation through preliminary assistance

Unfair Market Practices

Unfair Market Practices:

- This is an expression of the broadest possible meaning
- It includes any act or omission by any private sector or government entity in the course of business dealings or dealings related to business, regulatory or otherwise, in Victoria

Unfair Market Practices

Unfair Market Practices cont.:

- Unfair clauses in contracts – franchise case
- Unfair behaviour – bullying, intimidation cases

Informed Decision Making


Informed Decision Making:

- Be informed, avoid disputes
- Highlighter technique

Forming & Maintaining Winning Business Relationships

- Concerns about unacceptable business conduct by large and small businesses
- Business leaders are appalled by bullying and intimidation
- VSBC engaged Deloitte to report
- The study developed seven vital steps towards business success that every business should follow!

Essential Behaviours

- 1)  The **Alignment** of values and ethics.
- 2) A **Commitment** to a long term relationship.
- 3) Profitable and sustainable **Mutual Interests**.
- 4) **Communication** is clear, transparent and frequent.
- 5) All parties are **Accountable and Responsible** for the relationship.
- 6) **Professional Conduct** between all parties.
- 7) **Pre- agreed Dispute Resolution Procedures** are agreed.

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