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# Alternative dispute resolution – external disputes

## What is alternative dispute resolution?

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

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

## External disputes

These are conflicts with a third party that does not participate in trading activities, eg retail landlords, government departments, statutory authorities, regulatory regimes and financial institutions.

Some government agencies and industry organisations provide alternative dispute resolution services aimed at specific business sectors.

### Retail sector

The relationship between landlord and tenant can result in disputes across a wide range of issues including rent, lease term, relocation, redevelopment, quality and maintenance of premises, rent reviews, fit-outs and terminations.

- **Retail Shop Leases Registry:** [http://www.sdi.qld.gov.au/dsdweb/v3/guis/templates/content/gui\\_cue\\_cntnhtml.cfm?id=2791](http://www.sdi.qld.gov.au/dsdweb/v3/guis/templates/content/gui_cue_cntnhtml.cfm?id=2791)  
The Department of State Development's Retail Shop Leases Registry administers the *Retail Shop Leases Act 1994* and endeavours to resolve potential disputes over the phone or by visiting the retail landlords and tenants onsite.
- **National Retail Association (NRA):** <http://www.nra.net.au> the National Retailers Association's key dispute resolution services are employment law and tenancy and business consultancy.
- **Queensland Retail Traders and Shopkeepers Association (QRTSA):** The QRTSA has industrial relations specialists who advise on all industrial relations matters. An advocacy team is available for representation in any state or federal tribunal including unfair dismissal, trading hours, Workplace Health and Safety, wages claims, and small claims and debts.

### Government departments and statutory authorities

Disputes with government arise for all the same reasons as private enterprise, however there is the added complication of the size and diversity of interests which can increase the time delays in obtaining approvals for a project and final payment.



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- **Queensland Ombudsman:** <http://www.ombudsman.qld.gov.au/cms/> The Office of the Ombudsman investigates complaints or grievances involving administrative decisions and procedures of Queensland Government Departments, Local Authorities or public agencies, and to improve the quality of decision-making and administrative practices of agencies where appropriate.
- **Commonwealth Ombudsman:** <http://www.comb.gov.au/> The Commonwealth Ombudsman is an independent official who investigates complaints about the administrative decisions and action of Commonwealth Government agencies, and makes recommendations for resolution of individual issues and improvements to overall administration and government service delivery.

### Regulatory regimes

- **Australian Chamber of Commerce and Industry:** <http://www.acci.asn.au/> The ACCI represents the interests of business at a national level as well as internationally. Through its network of businesses, each ACCI member organisation identifies concerns of its members and plans united action. In this way, business policies are developed and strategies for change are implemented.

### Building

**Building Services Authority (BSA):** <http://www.bsa.qld.gov.au/Home/Default.htm> The BSA manages disputes between builders, trade contractors, building designers and consumers.

### Industry associations

**Franchise Council of Australia:** <http://www.franchise.org.au/> Provides a range of dispute resolution services to members, franchisees and franchisors, including facilitation of the mediation process.

**Australian Industry Group:** <http://www.aigroup.asn.au/> Provides information, assistance and advice to members.

**Australian Communications Industry Forum (ACIF):** <http://www.acif.org.au/> ACIF facilitates access to independent alternative dispute resolution resources for telecommunications industry participants. This is intended to provide the opportunity for disputes between industry participants to be resolved without recourse to the Courts.

**Queensland Hotels Association (QHA):** <http://www.queenslandhotels.com.au/> QHA can assist in the explanation of laws and awards, facilitate negotiations between parties and provide for referral of matters to the Industrial Relations Commission for resolution.

**CPA Australia:** <http://www.cpaaustralia.com.au/cps/rde/xchg> Provides a contact and referral service for members in dispute.

**Motor Trades Association of Queensland:** <http://www.mtag.com.au/> Provides dispute resolution advice to members, advises members on workplace disputes, unfair dismissals etc, and will represent members at tribunal hearings.



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**National Farmers Federation:** <http://www.nff.org.au/> Provides assistance to members in dispute, from counselling through to advocacy and representation.

**Queensland Newsagents Federation:** <http://www.queenslandnewsagents.com.au/> Provides an advocacy service for individual newsagents in dispute with suppliers etc, and refers some disputes to the National Retailers Association.

**Printing Industry Association:** <http://www.printnet.com.au/> Provides dispute resolution assistance.

**Queensland Tourism Industry Council:** <http://www.qtic.com.au/> Provides advice and advocacy services regarding the mediation of complaints and disputes relating to the industry.

## Further information

The following fact sheets provide further information on these issues:

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