

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.

[The online triage tool on this website can help you to identify the different complaint bodies that may be able to assist you.]

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.

Office of the Public Advocate

In this fact sheet, we introduce the Office of the Public Advocate ('OPA'). We outline how complaints can be made by anyone concerned about the safety, rights, or decision-making arrangements of an adult with disability in Victoria.

OPA is a Victorian government body that protects the rights of people with disability who have impaired decision-making capacity. You can make a complaint to OPA if you're worried that someone is being abused, neglected, financially exploited, or is under inappropriate guardianship or administration. Complaints can also be made about attorneys acting under enduring powers of attorney, or about the conduct of guardians or administrators appointed by VCAT. You can also complain about the actions or decisions of OPA staff or appointed guardians.

Legislation and Key Terms

Relevant Legislation:

- [Guardianship and Administration Act 2019 \(Vic\)](#)

Key terms:

Administrator: A person appointed by VCAT to make financial and legal decisions for someone who cannot make those decisions themselves because of a disability or impaired capacity.

Advance Care Directive: A legal document where a person can record their values, preferences and instructions for future medical treatment. OPA does not enforce these but may provide guidance.

Attorney (under Enduring Power of Attorney): A person legally appointed to make financial, personal, or medical decisions for someone else if they lose decision-making capacity. Only enduring (ongoing) powers of attorney are handled by OPA.

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

Complainant: A person who has made a complaint.

Decision-making capacity: A person's ability to understand and make their own decisions. OPA deals with matters affecting people who have impaired decision-making capacity due to disability, illness or injury.

Enduring Power of Attorney: A legal document that allows someone to appoint another person (an attorney) to make decisions on their behalf, even if they later lose capacity. Complaints about misuse or abuse of this power can be made to OPA.

Equal Opportunity Act 2010 (Vic): Victorian law that protects people from discrimination. The Public Advocate can sometimes act on behalf of people with disability under this law.

Guardian: A person appointed by VCAT to make personal and lifestyle decisions (like health care, accommodation, or access to services) for someone who cannot decide for themselves.

Guardianship and Administration Act 2019 (Vic): The law that sets out how guardians and administrators are appointed and what powers they have. It also gives OPA the power to investigate certain complaints.

Impaired decision-making capacity: When a person cannot make reasonable decisions because of a disability, brain injury, mental illness, dementia, or another condition. OPA only handles matters that involve someone with this kind of impairment.

Investigation: An inquiry by OPA into a complaint about abuse, neglect, exploitation, or inappropriate decision-making arrangements. OPA may interview people, review documents, and take protective action if needed.

Public Advocate: The statutory officer who leads the Office of the Public Advocate and has legal powers to investigate, report, and apply to VCAT in the interests of people with disability.

VCAT (Victorian Civil and Administrative Tribunal): A tribunal that makes legal decisions about guardianship, administration, and powers of attorney in Victoria. OPA applies to VCAT when formal orders are needed or changes must be made.

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

Guardianship-Related Complaints	
<p>These complaints are about the actions or decisions of a guardian appointed by VCAT to make personal and lifestyle decisions (like health care, accommodation, or services) for someone who cannot make these decisions themselves. You can complain if the guardian is acting against the person's wishes, failing in their duties, misusing their authority, or if the guardianship order itself seems unnecessary or too restrictive.</p>	
Sub-category	Example
Guardian not acting in the person's interests or respecting their wishes	<p>You should make a complaint if a guardian (appointed by VCAT to make personal/lifestyle decisions) is making choices that do not reflect the represented person's will and preferences, or is not acting in their best interests. Guardians are legally required to consult the person and consider their wishes, and to act in a way that is least restrictive of the person's freedom. If the guardian is ignoring the person's views, isolating them from family without good reason, or making decisions that seem to benefit others rather than the represented person, this is inappropriate.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <i>Ravi, a 28-year-old man with an intellectual disability, has a guardian who never asks for Ravi's opinion and forbids him from attending his local community centre with friends. Ravi's preferences are being ignored, and his support worker is concerned that Ravi's wishes or wellbeing is being ignored.</i> <i>Elaine, a 45-year-old with a psychosocial disability, feels her guardian is making overly restrictive rules about her daily life (like locking away her phone) that are not necessary for her safety. Elaine's advocate believes the guardian isn't using the least restrictive option and isn't respecting Elaine's rights.</i>
Guardian failing to fulfil their duties (neglect or poor decision-making)	<p>You should make a complaint if a guardian is not carrying out their responsibilities or is neglecting the represented person's needs. This might include failing to arrange proper care, not protecting the person from abuse or exploitation, or not advocating on the person's behalf. By law, guardians must act diligently, in good faith, and protect the person from abuse or neglect. If a guardian is unresponsive, uninvolved, or making obviously poor decisions that put the person at risk, OPA can address this.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <i>Martin, age 70 with dementia, has a guardian to make lifestyle decisions for him. Lately, Martin's living conditions have deteriorated because his guardian hasn't been arranging his home care or medical appointments. A concerned neighbour notices Martin living in unsanitary conditions and believes that the guardian is neglecting his duty to ensure Martin's wellbeing.</i> <i>Sophie, a 19-year-old with an acquired brain injury, was assigned a guardian to help with accommodation and services. However, the guardian rarely contacts her and failed to act when Sophie was</i>

	<i>excluded from a day program. Sophie's mother thinks the guardian is not actively helping Sophie or ensuring she gets the services she needs.</i>
Guardian misusing authority for personal gain or against the law	<p>You should make a complaint if a guardian is abusing their powers. For example, using the guardianship order to benefit themselves or someone else financially, or making decisions that clearly harm the person. It is against the law for a guardian to use their position dishonestly to obtain a financial gain for themselves or others. In some cases, this kind of misconduct can even lead to compensation or legal consequences. OPA will take such complaints seriously and investigate possible breaches of the guardian's legal duties.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Nina, 34, notices that her brother's court-appointed guardian has been using Nina's brother's disability pension to buy expensive items for the guardian's own use. This is a clear misuse of authority for personal gain. Nina reports the situation to OPA, as the guardian is acting dishonestly and against the law.</i> • <i>An elderly man, George, finds out that his guardian (who is also a distant relative) made a decision to sell George's house and move him into a facility, even though George could have stayed at home with support. The sale profits were largely used to pay a "consulting fee" to the guardian's friend. George's friend files a complaint because it appears the guardian is profiting and not acting in George's best interests.</i>
Unnecessary or inappropriate guardianship order	<p>You should make a complaint if someone is under a guardianship order that you believe is not needed or is too restrictive. For example, the person may have capacity to make their own decisions or could be supported in a less formal way, but still has a guardian making decisions for them. The Public Advocate has the power to investigate complaints that a person is under "inappropriate guardianship". OPA can look into whether the order should be changed or cancelled and can report to VCAT if the guardianship is not serving the person's welfare.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Therese, a 60-year-old who recovered from a brain injury, has been managing her personal affairs for months. However, she is still under a guardianship order from when she was incapacitated. Her neighbour believes Therese no longer needs a guardian and that the order is now unnecessary.</i> • <i>Damien, a 22-year-old with mild intellectual disability, was given a guardian to help with housing decisions during a crisis. Now, Damien is stable and can decide with support from friends, but the guardian continues to control all his personal decisions.</i>

Administration-Related Complaints

These complaints relate to a court-appointed administrator who manages a person's finances or property when they are unable to do so themselves. You can make a complaint

if the administrator is mismanaging money, failing to act in the person's best interests, exploiting their funds, or if the administration order is not needed or is overly restrictive.	
Sub-category	Example
Administrator mismanaging finances or not acting in the person's best interests	<p>You should make a complaint if an administrator (appointed to manage an incapable person's financial and property matters) is not properly managing the estate or is failing to act in the represented person's best interests. Administrators must act with diligence and honesty, and in a way that benefits the represented person. Signs of mismanagement may include unpaid bills, unexplained depletion of funds, lack of transparency, or the administrator not consulting the person on significant decisions when possible. OPA can assist by examining such concerns or advising on getting the administration reviewed.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <i>Julia, 50, has an acquired brain injury and an administrator handling her finances. Lately, her electricity was cut off and her rent fell behind because the administrator didn't pay the bills on time. Julia's friend discovers that the administrator is mismanaging Julia's finances and not ensuring her basic needs (like utilities and housing) are met.</i> <i>Frank is a 75-year-old man with dementia. A trustee company was appointed as his administrator. Frank's daughter becomes worried when she learns that the administrator sold Frank's car and some personal belongings without any explanation, and Frank is upset because he wasn't informed. She believes the administrator isn't acting in Frank's interest or involving him at all in decisions about his property.</i>
Administrator exploiting or stealing assets (financial abuse)	<p>You should make a complaint if you suspect an administrator is misusing the represented person's money or property for the administrator's own benefit or other improper purposes. This is a form of financial abuse and a serious breach of the administrator's fiduciary duty. For instance, an administrator might divert funds to themselves, make unauthorised withdrawals, or otherwise act in conflict of interest. Such exploitation can be investigated as an abuse of an at-risk adult, and OPA can help gather information or refer the matter so that VCAT (or police, if theft is involved) can take action.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <i>Leon, 80, has an administrator managing his bank accounts. Leon's son discovers large transfers from Leon's account to the administrator's personal business. This appears to be theft of Leon's assets. The son contacts OPA to complain that the administrator is exploiting Leon financially, an investigation can then uncover the misconduct and protect Leon's remaining assets.</i> <i>Maureen, a 68-year-old with a cognitive impairment, lives in aged care and has her niece as administrator. A staff member notices Maureen's personal allowance money is always taken by the niece, leaving Maureen without essentials. The staff member raises a complaint that Maureen's administrator may be stealing her funds.</i>

	<i>OPA looks into the situation as possible financial abuse of Maureen by the decision-maker in charge of her money.</i>
Unnecessary or inappropriate administration order	<p>You should make a complaint if a person has an administration (financial management) order that seems unwarranted. Perhaps the person has regained capacity to manage their finances or could do so with support, or the order is broader than necessary. OPA can investigate allegations that someone “is under an inappropriate...administration” arrangement (this power is analogous to guardianship investigations). If the administration is not actually needed or is too restrictive, OPA may report to VCAT to have the order reassessed or lifted.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>After a traumatic injury, Sam, 30, had an administrator appointed to handle his money. A year later Sam’s condition has improved and he’s capable of paying his bills with some help. Yet, his finances are still completely controlled by an administrator. Sam’s mentor files a complaint saying Sam might not need a formal administration order anymore.</i> • <i>Eleanor, a 62-year-old with a mild intellectual disability, had her brother appointed as administrator to assist with complex investments. Now, Eleanor’s assets have been simplified, and she has been successfully managing her day-to-day finances on her own. A local advocate believes the ongoing administration order is unnecessary and limits Eleanor’s independence.</i>

Power of Attorney Complaints

These complaints involve someone acting under an Enduring Power of Attorney (EPA) or as a supportive attorney/guardian. You can complain if the person is misusing the EPA for personal gain, ignoring the person’s wishes, or not providing proper support as required. These roles must empower the person, not override them.

Sub-category	Example
Misuse of an enduring power of attorney (financial or personal)	<p>You should make a complaint if someone appointed under an Enduring Power of Attorney (EPA) is not acting in the way they are legally required to. An attorney under an EPA must act honestly, diligently, and in good faith, and must give effect to the principal’s (the person who made the power) wishes and interests. If an attorney is ignoring the donor’s instructions or known wishes, making decisions that clearly go against the person’s best interests, or failing to involve the person in decisions they could make, it may be a breach of duty. For example, an attorney might override the person’s preferences without reason or fail to pay for the person’s care needs. OPA can advise on these situations and, if needed, investigate or help the person seek intervention by VCAT to protect the principal.</p> <p><i>Example(s):</i></p> <ul style="list-style-type: none"> • <i>Alice, 75, appointed her son as her enduring power of attorney for personal matters. Alice always wanted to live in her own home, but</i>

	<p><i>her son moved her into a nursing home purely for his convenience, not because Alice's health required it. He did this without considering home care options that Alice preferred. Alice's friend believes the son (attorney) is disregarding Alice's known wish to stay at home, contrary to his duties to follow her wishes and act in her best interests.</i></p> <ul style="list-style-type: none"> <i>Paul is 68 and has early dementia. He made his niece his attorney to manage his finances. Paul's caregiver notices that the niece has stopped paying Paul's pharmacy bills, resulting in Paul missing medications. There's no lack of funds, but the niece is neglecting Paul's needs.</i>
Attorney abusing their power for financial gain	<p>You should make a complaint if an attorney (under an enduring power of attorney) is abusing their authority to benefit themselves or others – for instance, taking money from the principal's accounts for personal use, selling the person's property without permission for self-benefit, or otherwise committing fraud. The Powers of Attorney Act 2014 set strict duties for attorneys and improved protections against abuse of these powers. An attorney who uses the power for personal profit or against the principal's interests is violating the law. OPA can handle such complaints by investigating as a form of exploitation or by helping the affected person apply to VCAT to revoke the power and seek remedies. This helps safeguard the rights and assets of the person who gave the power of attorney.</p> <p><i>Example(s):</i></p> <ul style="list-style-type: none"> <i>Margaret, an 80-year-old widow, appointed her two sons as joint enduring attorneys for financial matters. One son, however, has been withdrawing large sums from Margaret's bank account to fund his own business. A bank official grows suspicious of possible power of attorney abuse.</i> <i>Tran, a 65-year-old who speaks limited English, gave an enduring power of attorney to a family friend to manage his affairs. Later, Tran's community nurse learns the friend sold Tran's secondary property and kept most of the proceeds, which is clear exploitation.</i>
Supported decision-making appointee not following the role	<p>You should make a complaint if a supportive decision-maker, such as a supportive guardian or supportive attorney appointed by VCAT, is overstepping their authority or not providing the proper support. A supportive guardian/attorney's role is to help the person make their own decisions, not to decide for them. If the supporter is effectively taking over decisions without consent, ignoring the person's input, or misusing access to private information, this is wrong. Likewise, if they fail to assist at all when the person needs help (essentially neglecting the role), it's a problem. OPA can address complaints about supportive decision-making arrangements, ensuring that supported decision-making remains an empowering tool rather than another form of substituted decision-making.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <i>Aaron, a 22-year-old with mild intellectual disability, has a supportive guardian appointed to help him make lifestyle decisions. The supportive guardian is supposed to help Aaron understand choices and communicate his decisions. Instead, Aaron finds that the supporter is making decisions for him. For example, signing</i>

	<p><i>lease documents and agreeing to services without even consulting Aaron.</i></p> <ul style="list-style-type: none"> <i>Helena, a 40-year-old with a physical disability and communication impairment, appointed a close friend as her supportive attorney for financial matters. The friend has access to Helena's accounts to help pay bills, but lately has been making transactions that Helena didn't request, and isn't explaining things to Helena. Helena's brother notices this.</i>
--	--

Safeguarding Adults from Abuse or Exploitation

OPA can investigate complaints about the abuse, exploitation, or neglect of adults with a disability who have impaired decision-making capacity. You should report concerns where someone is being harmed, taken advantage of, left without care, or where there is no one legally appointed to help the person despite obvious need.

Sub-category	Example
Suspected abuse or exploitation of a person with disability	<p>You should make a complaint (or report a concern) if you believe an adult with a disability or impaired decision-making capacity is being abused or exploited by someone in a position of trust. This could be physical abuse (violence, restraint, or mistreatment), emotional or psychological abuse (threats, intimidation, humiliation), sexual abuse, or financial exploitation (theft, fraud, or misuse of the person's money or property). OPA has a statutory role to investigate any complaint or allegation that a person is being exploited or abused. These investigations aim to protect the vulnerable person from further harm. OPA can work with police, care agencies, or take the issue to VCAT to change decision-makers if needed. If you suspect someone is being harmed or taken advantage of, whether by a family member, carer, service provider, attorney, or guardian, you should contact OPA as soon as possible.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <i>A concerned neighbour, Priya, suspects that the man next door, an isolated 55-year-old with an intellectual disability, is being physically and verbally abused by his relative who moved in as a carer. She often hears shouting and has seen bruises on the man.</i> <i>Leo, a 30-year-old man with schizophrenia, has a support worker who also manages his disability pension. Another staff member discovers that this support worker has been taking a large portion of Leo's money for "expenses" that seem illegitimate. This is financial exploitation.</i> <i>Jordan, a 27-year-old man with an intellectual disability, became distressed while out in the community with his NDIS support worker. Instead of calming the situation, the worker called police, who restrained Jordan. His sister is concerned that no proper support plan was in place, no one informed her, and Jordan was left vulnerable without advocacy or appropriate safeguards.</i>

<p>Severe neglect or unmet needs of a vulnerable person</p>	<p>You should make a complaint if you become aware that a person with a decision-making disability is neglected or not having their basic needs met. Neglect can be deliberate (active neglect) or unintentional, but in either case the person's health, safety, or well-being is at risk. This might involve a caregiver failing to provide adequate food, shelter, medical care or hygiene for the person, or leaving the person in unsafe conditions. OPA can handle such complaints by investigating as they do with other abuse allegations, since neglect is a form of abuse. The Public Advocate can then take action, for example, by involving community services, or if necessary, seeking to have a guardian or administrator appointed to ensure the person's needs are looked after.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>Marion, a 79-year-old with dementia, is living with her nephew. A community nurse finds Marion dehydrated, malnourished, and living in filth, indicating that her nephew is not providing proper care. This is a case of neglect.</i> • <i>Jorge is 50 and has a severe mental illness that impairs his ability to make decisions. He lives alone with occasional visits from a distant relative. Lately, Jorge has not been taking his medication or paying bills, and his home has fallen into squalor. A volunteer visitor discovers that Jorge has no real support and is essentially living in self-neglect.</i>
<p>Person at risk who may need a guardian or administrator (no one currently assisting)</p>	<p>You should make a complaint or referral if you know an adult who cannot make necessary decisions for themselves (due to disability, illness, or injury) and who does not have anyone with legal authority helping them, leading to serious risks. This isn't a complaint about misconduct, but rather about a dangerous gap in support. Under the law, OPA can investigate situations where a person appears "in need of guardianship", meaning they likely require a guardian or administrator to be appointed because they are unable to manage personal or financial matters and are suffering harm or are at risk of harm as a result. OPA's investigation can gather information about the person's decision-making capacity and circumstances, then report to VCAT if a guardianship or administration order is warranted to safeguard that person's welfare. You should report such cases to OPA so that vulnerable people don't "fall through the cracks" without protection.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>A social worker meets Donald, a 75-year-old man with advancing dementia who lives alone. Donald has no family, no power of attorney in place, and he is no longer paying bills or buying food, but he doesn't realise it. The social worker is concerned Donald might lose his home or fall ill due to self-neglect.</i> • <i>Kelly, a 30-year-old with a serious brain injury, is in the hospital and unable to consent to a needed long-term rehabilitation plan. She isn't under guardianship, and her only relative is an elderly aunt who cannot take on the role.</i>

Rights and Service Access Complaints

These complaints involve a person being denied their rights or access to essential services. This might include restrictions on freedom, lack of access to healthcare or social support, or discrimination by those meant to be supporting them. OPA can help ensure people are treated fairly and receive the services they're entitled to.

Sub-category	Example
Denial of basic rights or access to services	<p>You should make a complaint if a person under guardianship or with a cognitive disability is being denied their fundamental rights or necessary services by those responsible for their care or decision-making. This covers situations where someone's freedom or rights are unreasonably restricted, or they are prevented from accessing supports and services that they need and are entitled to. For example, a service provider, caregiver, or even a guardian might be unreasonably limiting a person's social contacts, movement, or communication, or failing to facilitate their access to medical treatment, therapy, education, the NDIS, or other support services. Such actions can violate the person's rights and well-being. OPA, as a human rights-focused body, can handle complaints about these issues, often through its advocacy function or via the Community Visitors program, which monitors services. By making a complaint, you enable OPA to intervene, which might involve advocating for the person's rights, working with the service to resolve the issue, or escalating the matter to the appropriate oversight body.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <i>Jasmine is 25 and has an intellectual disability, living in a group home. The staff at the home have been preventing her from making phone calls to her sister and have locked the kitchen every evening, so Jasmine can't even get a snack without permission. A Community Visitor finds out that Jasmine and other residents feel like they're in a prison, not a home.</i> <i>Bilal, a 50-year-old man with schizophrenia in a psychiatric facility, wants to practice his religion and dietary preferences, but staff have been ignoring these needs. He also hasn't been taken to see a dentist for a very painful tooth because nobody arranged it. Bilal's friend believes that Bilal's rights and access to services are being denied, his religious practice isn't accommodated and his health needs are neglected.</i> <i>Aiden, a 40-year-old with an intellectual disability, has a public guardian. He loves going to the local library and volunteering, but his guardian hasn't been facilitating this. In fact, the guardian often says "no" to outings without clear reason, effectively keeping Aiden house-bound. Aiden's support worker files a complaint, as Aiden is being unnecessarily restricted from community life and services he enjoys.</i>

Complaints about OPA's Own Conduct or Decisions

You can complain directly to OPA about how its staff, guardians, or representatives have treated you or someone you support. You can also challenge a decision OPA has made as a guardian, advocate, or investigator. These complaints help ensure OPA is accountable and upholds its duties transparently.

Sub-category	Example
Conduct of OPA staff, officers, or volunteer representatives	<p>You should make a complaint if you have concerns about how you or someone you care for has been treated by OPA personnel. This includes OPA staff members, advocates, volunteers, or anyone acting on behalf of OPA (such as a guardian from the Office of the Public Advocate). OPA welcomes feedback and complaints about its services, and this can cover issues like unprofessional behaviour, delays or failure to act, lack of communication, or dissatisfaction with an OPA-made decision. For example, if OPA is the appointed guardian and you believe an OPA guardian's decision or action is inappropriate, or if an OPA Advice Service officer was rude or gave wrong information, you can complain to OPA. They have internal processes to review such complaints, and you can request a senior manager to look into the matter. (Keep in mind, if not resolved, you can also escalate complaints about OPA, as a Victorian government body, to the Victorian Ombudsman, but OPA encourages trying to resolve it with them first.)</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>John is under the Public Advocate's guardianship (OPA is his guardian). He feels that his OPA guardian didn't listen to his preferences when deciding where John should live, and John is very unhappy with the outcome.</i> • <i>María, a woman with a disability, called the OPA Advice Service for help and felt that the staff member on the phone was dismissive and did not take her concerns seriously.</i> • <i>The family of a man with a cognitive disability has been dealing with an OPA investigator looking into alleged abuse. They feel the investigator did not communicate findings clearly and missed some key information.</i>
Complaint about a decision or action taken by OPA (OPA as guardian or advocate)	<p>You should make a complaint if you disagree with or have concerns about a specific decision made by OPA in its role as guardian, advocate, or investigator. This might overlap with staff conduct, but it focuses on the outcome rather than behaviour. For example, if OPA (as guardian) decided to move someone into residential care and you believe this decision violates the person's rights or preferences, you can challenge it through an OPA complaint. Or if OPA decided not to investigate a matter that you reported, and you have additional information or feel this was the wrong call, you can raise that. Essentially, any action or inaction by OPA that significantly impacts the person's life and that you believe is wrong or unfair can be the subject of a complaint. OPA will provide a response or review of the decision, and if you remain unsatisfied, external review (such</p>

	<p>as the Ombudsman) is available. Making a complaint in these cases helps ensure transparency and accountability in OPA's decision-making.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> • <i>OPA, acting as Gina's guardian, decided to consent to a particular medical procedure for Gina. Gina's friend, who knows Gina was fearful and likely would have refused if able, feels this decision didn't properly consider Gina's wishes.</i> • <i>Harold reported to OPA that his neighbour (who has an intellectual disability) might be financially abused by a family member. OPA initially declined to investigate, possibly due to limited evidence.</i>
--	--

Exclusions	
Sub-category	Example
Exclusions	<p>OPA does not handle complaints about:</p> <ul style="list-style-type: none"> • Complaints about disability services or residential care providers: OPA does not handle complaints about service quality, daily operations, staff conduct, or care plans provided by disability or aged care service providers unless the issue involves abuse, neglect, or exploitation. • Complaints about mental health services or involuntary treatment orders: OPA does not handle complaints about diagnoses, psychiatric treatment, hospital admission, or mental health orders under the Mental Health and Wellbeing Act. • Complaints about child protection, parenting disputes, or custody matters: OPA does not deal with child protection concerns, parenting arrangements, family court matters, or any issue involving children or minors. • Complaints about hospitals or health care decisions: OPA does not handle complaints about treatment quality, hospital policies, medical decisions, or practitioner behaviour unless it involves a person with impaired decision-making capacity and concerns abuse or neglect. • Complaints about Centrelink, housing, or other government departments: OPA does not deal with social security disputes, housing complaints, public service delays, or unfair departmental decisions. • Complaints about VCAT decisions or conduct: OPA does not review, appeal, or investigate decisions made by the Victorian Civil and Administrative Tribunal (VCAT), or complaints about how VCAT conducted a hearing. • Complaints about general (non-enduring) powers of attorney: OPA does not investigate complaints about general powers of attorney that are not enduring or supportive under the Powers of Attorney Act 2014.

	<ul style="list-style-type: none"> • Complaints about guardians or administrators in other states or territories: OPA does not investigate matters involving decision-makers appointed outside of Victoria or for people living outside Victoria. • Complaints that do not involve a person with disability or impaired decision-making capacity: OPA does not intervene unless the person at the centre of the complaint has, or is suspected to have, impaired decision-making capacity due to disability, illness, or injury. • Criminal offences such as assault, fraud, or theft with no link to guardianship or administration: OPA does not carry out criminal investigations or handle allegations of crime unless the alleged conduct relates directly to someone under OPA's jurisdiction and decision-making capacity is involved. • Employment disputes, discrimination claims, or workplace bullying: OPA does not handle complaints related to workplace rights, discrimination, unfair dismissal, or employment conditions. • Complaints about decisions made under Advance Care Directives: OPA does not enforce, interpret, or investigate breaches of Advance Care Directives. • Complaints about financial institutions, landlords, or private businesses: OPA does not investigate issues involving banks, rental agreements, landlords, real estate agents, retailers, or consumer transactions. • Requests for legal advice or legal representation: OPA does not provide legal representation, give personal legal advice or help you apply to VCAT as your representative. • Complaints solely about service delays or miscommunication unrelated to a protective role: OPA does not handle complaints about slow responses, poor communication, or delays by other organisations unless those delays are contributing to harm to a person with impaired decision-making capacity.
--	--

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

Jurisdiction	Description
State	This complaints body has powers to investigate and act under the laws of Victoria, including the Guardianship and Administration Act 2019 and the Powers of Attorney Act 2014 (Vic).
Geographical Scope	The complaint must involve a person who is located in Victoria or subject to Victorian guardianship, administration, or powers of attorney laws. The guardian, administrator, attorney, or relevant party must also be within Victoria. OPA cannot handle matters where the person or decision-maker is in another state or territory.
Time Limitations	Complaints should be made within 12 months of the issue or concern arising. OPA may use discretion to accept complaints outside this

	period in exceptional circumstances (e.g. vulnerability, delayed discovery).
Exclusions	OPA cannot investigate matters that fall outside its jurisdiction, including complaints about child protection, service quality, VCAT decisions, interstate guardianships, or complaints that do not involve a person with impaired decision-making capacity. OPA generally will not act if the matter is before a court or another appropriate complaint body, or if the complaint relates solely to general service dissatisfaction without a protective concern.
Exercise of discretion	The Public Advocate has discretion to decide whether to investigate a complaint, even where jurisdiction exists. OPA may decline to act if: the person is not directly affected, the issue has already been adequately addressed, the risk is low, the matter is better suited to another body, or the complaint is frivolous, vexatious, or lacks substance.

Step 3: Who can you make a complaint against?

Respondent	Description
Individuals	<p>You can make a complaint about:</p> <ul style="list-style-type: none"> • A guardian appointed by VCAT to make personal or lifestyle decisions for an adult with a disability • An administrator appointed by VCAT to make financial decisions for someone who cannot manage their own affairs • An attorney appointed under an enduring power of attorney or supportive attorney arrangement under Victorian law • A supportive guardian or supportive administrator appointed by VCAT • Any person or carer who may be abusing, neglecting, or exploiting someone with impaired decision-making capacity <p>These individuals must be located in Victoria or making decisions that affect someone living in Victoria.</p>
Body/Organisation	<p>You can make a complaint about:</p> <ul style="list-style-type: none"> • The Office of the Public Advocate (OPA) itself, including the conduct of OPA staff, guardians, investigators or advocates • Organisations or services (e.g. disability support services, group homes, aged care facilities) only if the complaint involves abuse, neglect or exploitation of a person with impaired decision-making capacity and there is no more appropriate body to handle the issue • Victorian-based entities or services responsible for the welfare or care of people under guardianship or administration arrangements, where relevant to OPA's functions

Other Decision Makers	You can complain about informal decision-makers, like family members or carers, if they are misusing their influence or acting without legal authority in a way that harms someone with a disability (e.g. controlling money or isolating the person from others). OPA can investigate if the person appears to be at risk and may need formal guardianship or protection.
Exclusions	<p>OPA cannot investigate complaints about:</p> <ul style="list-style-type: none"> • Individuals or organisations outside Victoria • General service providers, such as hospitals, housing providers, or aged care homes, unless the complaint involves abuse or serious risk to a person with impaired capacity • Mental health services, unless the issue relates to abuse or neglect of a person with impaired decision-making capacity • VCAT or its members (OPA cannot investigate tribunal decisions or conduct) • Police, Centrelink, or other government departments, unless they are involved in abuse or exploitation relevant to OPA's protective role • People who are not involved in the life or care of a person with impaired decision-making capacity
Additional information	<ul style="list-style-type: none"> • OPA can accept complaints from any person, not just the person affected, including family members, carers, friends, service providers or advocates. • Complaints must relate to the needs, rights, safety or treatment of a person with impaired decision-making capacity. • OPA has the discretion to act on complaints where there is significant risk, even if the complainant is not directly involved. • Where another complaint body is more appropriate (e.g. NDIS Commission, Mental Health Commission, VCAT), OPA may refer or decline to act.

Step 4: Are you eligible to make a complaint?

Eligibility	Description
Who can make a complaint?	Anyone can make a complaint to the Office of the Public Advocate (OPA), regardless of where they live, as long as the issue involves a person in Victoria who may have impaired decision-making capacity. This includes the person affected, a family member, friend, carer, service provider, advocate, neighbour or any other concerned person.
Pre-requisite steps	You do not need to take any formal steps before making a complaint. However, OPA will usually only investigate if the matter falls within its powers and the person affected has impaired decision-making

	capacity. If the issue is better handled by another complaint body, OPA may refer you there.
Can complaints be made on behalf of someone?	Yes. Complaints can be made on behalf of another person, including someone who cannot speak for themselves. You do not need written authority to raise concerns, especially if there is a risk of abuse, neglect, or exploitation. However, OPA may ask for more information if needed.
Exclusions ¹	<p>You cannot make a complaint if:</p> <ul style="list-style-type: none"> • The issue does not involve a person with impaired decision-making capacity • The complaint is about someone or something outside Victoria • You are trying to challenge a legal decision made by VCAT • The complaint is solely about general service dissatisfaction, and not about the rights, safety, or needs of a person with impaired capacity • The issue happened too long ago and no longer poses a risk, though OPA has discretion to act in serious or ongoing matters
Additional information you need to know	<ul style="list-style-type: none"> • Complaints can be made anonymously, but it may limit how much OPA can do. • Anyone who makes a complaint in good faith is protected by law from victimisation or legal action. • OPA has the discretion to decide whether to investigate or act on a complaint, depending on the seriousness and relevance of the matter.

Step 5: What remedies are available at this body?

Power	Description
Investigation and Reporting	The Public Advocate can investigate complaints or concerns that a person is under inappropriate guardianship, is being exploited or abused, or is in need of guardianship. After investigating, the Public Advocate may make recommendations to the Minister or relevant bodies about changes to policy, practices or actions to protect the person's rights.
Apply to VCAT	<p>OPA can apply to the Victorian Civil and Administrative Tribunal (VCAT) to:</p> <ul style="list-style-type: none"> • appoint a guardian or administrator for someone who needs help with decision-making • change or cancel a current guardianship or administration order • raise concerns about how a guardian or administrator is acting

¹ Insert Reference

	This can result in a new decision-maker being appointed or an existing one being removed.
Refer matters to other authorities	If OPA finds something outside its own powers, like criminal behaviour or service provider misconduct, it can refer the matter to police, VCAT, the NDIS Commission, or another complaint body.
Request support from other government departments or services	OPA can ask a government department, welfare agency or support service to help protect or support a person with impaired decision-making capacity.
Represent people in legal or tribunal matters	OPA can represent a person with disability at VCAT or in other legal settings if the issue relates to guardianship, administration or their rights. It can also advocate under laws like the Equal Opportunity Act.
Provide advice or education	OPA can offer advice about a person's rights, powers of attorney, guardianship, or how to resolve a concern. It also provides education and resources to help prevent harm or confusion.
Internal review of OPA decisions	If the complaint is about OPA itself or a decision made by an OPA-appointed guardian, OPA can review the matter and change its approach if appropriate.
Report to the Minister or Parliament	If OPA finds serious problems through its investigations, including system-wide failures, it can report its concerns to the Minister or the Victorian Parliament. This may lead to broader changes in laws or policies.
Take no action (discretionary power)	OPA may decide not to take action if the issue is outside its powers, has already been resolved, lacks evidence, or is more suitable for another complaint body. If it decides not to act, OPA will usually explain why.
Exclusions	<p>OPA cannot provide:</p> <ul style="list-style-type: none"> • Financial compensation: OPA cannot award money or damages to a person affected by guardianship, administration, abuse, or neglect. • Enforceable legal orders: OPA cannot issue binding legal directions. Only VCAT or a court can make enforceable orders. • Fines, penalties, or sanctions: OPA cannot impose penalties or punish people or organisations who are found to have done the wrong thing. • Mediation or conciliation: OPA does not offer a dispute resolution service between parties, such as mediation or facilitated conversations. • Legal representation in court: OPA may assist in some tribunal matters, but it does not provide full legal representation in court proceedings, nor does it act as a legal aid service.

	<ul style="list-style-type: none"> • Writs or mandamus: OPA does not have judicial powers and cannot compel action from other bodies or individuals through writs or similar court-enforceable mechanisms. • Amending or overturning VCAT decisions: OPA cannot reverse or review decisions made by VCAT. Only VCAT or a higher court can do that. • Binding directions to other government departments or services: OPA can ask other agencies to assist but cannot force them to take action or change their practices. • Disciplinary action against professionals or workers: OPA cannot suspend, deregister, or formally discipline support workers, attorneys, guardians, health professionals, or staff of service providers. • Systemic reforms without ministerial approval: OPA may recommend policy or legislative changes to the Minister, but it cannot implement reforms directly. • Criminal prosecution: OPA cannot lay criminal charges or prosecute offences. If a crime is suspected, OPA may refer the matter to Victoria Police. • Private dispute resolution: OPA will not resolve disputes between private parties unless the matter directly involves risk or harm to a person with impaired decision-making capacity.
Additional information you need to know	<ul style="list-style-type: none"> • OPA does not provide compensation, financial remedies, or enforceable legal orders. Only VCAT or a court can do that. • OPA does not offer mediation or conciliation between parties. • OPA's focus is on protecting the rights, safety, and dignity of people with impaired decision-making capacity, not punishing wrongdoers or settling disputes between other parties. • Anyone who complains in good faith is protected from victimisation under law.

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

Requirement	Description
Format	<p>Complaints can be made via:</p> <ul style="list-style-type: none"> • An online form on the OPA website • Email: opa-complaints@justice.vic.gov.au • Letter: Level 1, 204 Lygon St, Carlton VIC 3053 • Telephone: 1300 309 337 <p>Verbal complaints are acceptable, particularly where accessibility is a concern.</p> <p>Interpreters are available free of charge upon request.</p>

	Alternate formats (large print, audio, in-person support) are available on request.
Personal Details	You are encouraged to provide your name and contact information. Anonymous complaints may limit OPA's ability to respond or take further action, but will still be accepted and considered.
Respondent's Details	If the complaint is about a specific staff member or area of work, include as much identifying detail as possible (e.g. name, role, program, date of interaction). If the complaint concerns a guardian decision, specify the guardian's name and any known details.
Relevant Facts	<p>Include:</p> <ul style="list-style-type: none"> • A clear summary of what happened • Dates, times, and places of the incident(s) • Names of people involved or witnesses • Any impact the situation has had on you or the person affected • Steps you've already taken to resolve the issue • What outcome you would like <p>You may attach relevant documentation. There are no strict limits on number or size of attachments, but clarity is encouraged.</p>
What NOT to include	Do not include false, misleading, or defamatory material. Making a knowingly false complaint may have legal consequences.
Additional information you need to know	<ul style="list-style-type: none"> • OPA will provide a written acknowledgement within 10 business days. • A copy of your complaint may be shared with the person or service it concerns to ensure a fair response process. • You can receive support from anyone of your choosing (e.g. family, friends, carers) to help prepare the complaint. • Complainants under 18 do not need a guardian's authority to submit, but adult support may assist. • Complaints should be made within 12 months of the issue occurring unless there is a good reason for delay. Reasons for delay should be explained in your complaint.

Step 7: Lodging your complaint and next steps.

Step	Description
Where to lodge your complaint	<p>Online form: OPA Feedback and Complaints Form</p> <p>Email: opa-complaints@justice.vic.gov.au</p> <p>Post: Office of the Public Advocate, Level 1, 204 Lygon Street, Carlton VIC 3053</p>

	<p>Telephone: 1300 309 337 (Weekdays, 9:00am–4:45pm)</p> <p>In person: Not generally available for complaints. Call first to request a meeting if needed for accessibility reasons.</p>
Receipt/ acknowledgement of complaint	You will receive a written acknowledgement (usually by email or post) within 10 business days of OPA receiving your complaint. If OPA cannot act on your complaint, they will explain why.
Assessment/ investigation	OPA will assess whether your complaint falls within its powers. If the matter involves abuse, exploitation, neglect, or inappropriate guardianship/administration, OPA may open a formal investigation. Timeframes vary depending on complexity, but straightforward matters may be addressed within 30 days. Complex or high-risk matters may take longer.
No formal conciliation process	OPA does not run a conciliation or mediation service. Its role is protective, not to settle disputes between parties. Where appropriate, OPA may give advice or suggest referral to another service that offers mediation or legal redress.
Referral or other outcomes	If the complaint is outside OPA's scope, they may refer the matter to a more suitable body (e.g. VCAT, NDIS Commission, Health Complaints Commissioner). OPA will notify you if this occurs.
Additional information you need to know	<ul style="list-style-type: none"> • Keep a copy of your complaint and any documents you submit. • Notify OPA if your contact details change or if your circumstances change in a way that affects the complaint. • Try to include all relevant information when first lodging the complaint. Providing information over time may slow the process. • You do not need a lawyer to make or progress a complaint. You may receive assistance from a family member, carer, advocate, or support worker if needed. • OPA has interpreters and accessibility support available on request.

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 unhappy with the way your complaint was handled or with the outcome, you can request an internal review by the OPA. There is no formal legislative process for internal review, but OPA will consider your concerns and conduct a reassessment where appropriate.</p> <p>There is no strict timeframe, but you should raise your concerns as soon as possible after receiving the outcome.</p>

External review/ remedies	<p>If you are not satisfied after the internal process or believe your complaint was not handled fairly, you can contact the Victorian Ombudsman to request an independent review. The Ombudsman can investigate complaints about the administrative actions of OPA, including failure to investigate or unreasonable delay.</p> <p>Timeframes: You should lodge a complaint to the Ombudsman within a reasonable period, typically within 12 months of the issue.</p> <p>Note: The Ombudsman cannot change the decisions made by OPA-appointed guardians or override VCAT decisions. Legal advice may help clarify your options in complex matters.</p>
Other option: Legal advice or application to VCAT	<p>If the issue relates to a guardianship or administration order, or the conduct of a guardian/administrator, you may apply directly to VCAT to request a review or reassessment of the order. This is a separate legal pathway, and you may wish to seek legal assistance before proceeding.</p>
Additional information you need to know	<ul style="list-style-type: none"> You do not need legal representation to request a review by the Victorian Ombudsman, but legal advice may be useful for tribunal matters or court appeals. You should clearly explain why you believe the complaint outcome was inadequate and include any new or overlooked information when requesting a review. Keep records of all correspondence and documents shared with OPA, as this may assist in an external review. OPA cannot reverse decisions made by VCAT. Those must be challenged through a legal appeal process if relevant.

Step 9: Other bodies that handle complaints about guardianship, administration, powers of attorney, and the treatment of people with impaired decision-making capacity related complaints

Complaint body	Description
Victorian Civil and Administrative Tribunal (VCAT)	VCAT is responsible for appointing and reviewing guardians, administrators, and powers of attorney. If you want to challenge a guardianship or administration order, or raise concerns about how a guardian or administrator is acting, you can apply directly to VCAT. It can revoke, vary, or make new orders.
Victorian Ombudsman	Handles complaints about the administrative actions of Victorian public sector agencies, including the Office of the Public Advocate. If you believe OPA acted unfairly or failed to properly handle your complaint, the Ombudsman can review how the matter was managed. It does not review VCAT decisions or act on complaints about private individuals.
NDIS Quality and Safeguards Commission	Regulates NDIS-funded disability support providers. If a person with disability receiving NDIS supports has experienced neglect, abuse, poor service, or exploitation from a registered provider, the NDIS Commission may be the correct body to investigate.

Health Complaints Commissioner (Victoria)	Handles complaints about health service providers in Victoria, including aged care homes, hospitals, GPs, psychologists, and allied health professionals. If your concern is about care, treatment, or health decision-making, and not about guardianship or powers of attorney, this may be a more appropriate avenue.
Disability Services Commissioner (Victoria)	Investigates complaints about Victorian disability services (outside NDIS). If the complaint involves the quality or safety of support services provided to a person with disability in Victoria, this body may assist.
Office of the Public Trustee (other states)	If the guardianship, administration, or powers of attorney concern relates to another state or territory, the equivalent Public Guardian or Trustee office in that state will be the appropriate body. OPA Victoria cannot intervene outside Victoria.
Victoria Police	If the complaint involves physical abuse, financial theft, or other criminal behaviour, Victoria Police may be able to investigate. OPA can refer concerns to police where appropriate, but it does not conduct criminal investigations itself.
Australian Human Rights Commission	Handles complaints under Commonwealth law about discrimination based on disability, age, sex, race or other grounds, especially in employment, education, or service delivery. This is separate to guardianship concerns but may be relevant if discrimination is part of the issue.
Victorian Equal Opportunity and Human Rights Commission (VEOHRC)	Handles complaints about discrimination, sexual harassment, and breaches of human rights under Victorian law. It may be appropriate where the issue involves the treatment of a person with disability outside of a formal guardianship context.
Additional information you need to know	<ul style="list-style-type: none"> • OPA can refer you to these bodies if your complaint is outside its powers. • It is often useful to contact OPA first, especially if you are unsure which body is appropriate. • If your matter involves multiple issues (e.g. abuse and poor service), more than one complaint body may be involved.

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
Victorian Ombudsman	Website: https://www.ombudsman.vic.gov.au/ Email: complaints@ombudsman.vic.gov.au Telephone: 1800 806 314	You can contact the VO directly if you have any further questions or need assistance with your complaint.
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.
Deaf or Hearing Impaired Users	Telephone: Choose preferred NRS channel then 1800 806 314	Provides communication support for deaf or hearing impaired individuals through the National Relay Service (NRS), where you can choose their channel for assistance.

Self-help tools and additional resources

Resource	How this helps
Where to Make a Complaint	A list of complaint services depending on your complaint type from the VO.
How to Make a Complaint	Guidance from the VO on how to make a complaint.
Call It Out	Online register for racism/discrimination experienced or witnessed towards First Nations Australians. Not an official complaints body.
Law Society: Know Your Rights	Guidance for individuals who are uncertain about where to start when seeking legal advice.