

**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 to 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 Equal Opportunity Commission WA (EOC), 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.

### **Ombudsman Western Australia (Ombudsman)**

In this fact sheet, we introduce Ombudsman Western Australia ('the Ombudsman') and explain how to make a complaint.

The Ombudsman is an independent body that receives and investigates complaints about the administrative actions of Western Australian State Government agencies and authorities, local governments, and (in some cases) other public bodies and office holders.

The Ombudsman also has other statutory functions, including conducting investigations and reviews in specific areas.

### **Legislation and Key Terms**

**Relevant Legislation:** Below are links to legislation that is relevant to the Ombudsman's complaint handling work.

- [Parliamentary Commissioner Act 1971](#) ('the Act');
- [National Code of Practice for Providers of Education and Training to Overseas Students 2018](#);
- [Public Interest Disclosures Act 2003](#);
- [Terrorism \(Preventative Detention\) Act 2006](#);
- [Telecommunications \(Interception\) Act 1979 \(Commonwealth\)](#);
- [Telecommunications \(Interception and Access\) Western Australia Act 1996](#);
- [Criminal Organisations Control Act 2012](#);
- [Economic Regulation Authority Act 2003](#);
- [Electricity Industry Act 2004](#);
- [Energy Coordination Act 1994](#);
- [Water Services Act 2012](#)

**Key Terms:** Below are key terms that appear throughout this factsheet and their meaning.

**Complaint:** an expression of dissatisfaction where a response or resolution is required or expected.

**Complainant:** A person who has made a complaint.

**Administrative Action:** means any decision, act or failure to act by a WA public authority that relates to a matter of administration, including refusals or failures to decide or act, the formulation of proposals or intentions, and recommendations (including recommendations to Ministers).

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

**The WA Ombudsman investigates and resolves complaints about the administrative decision making and practices of the Western Australian public sector, including state government agencies and local governments. This includes, but is not limited to:**

Sub-category	Example
State government departments, statutory authorities, boards and corporations <i>The Act s13(1)</i>	<p><b>You can complain to the WA Ombudsman if a WA Government department or authority has made a decision, taken an action, or failed to act, and you think the way it was handled was unfair, unreasonable, or poorly managed.</b></p> <p>You should usually complain to the department or authority first. If you are still not satisfied with their response, you can complain to the Ombudsman.</p> <p>If you're not sure whether the organisation is covered, you can check the list of WA Government departments and authorities <a href="#">here</a>.</p> <p><i>Example:</i></p> <ul style="list-style-type: none"> <li><i>Jamie installed a security system and applied to a public authority for a rebate that the public authority was offering. The public authority declined the application on the basis that the installer was not appropriately licenced. Jamie had the installation inspected by another installer with the appropriate licence and reapplied for the rebate. The public authority again declined the application. Jamie decides to complain to the Ombudsman.</i></li> <li><i>Ian was experiencing extreme delay in receiving support payments from a WA state authority. Ian relied heavily on these payments. Despite several emails to the authority, Ian's payments were still not coming through and he was getting desperate. Ian decides to make a complaint to the Ombudsman.</i></li> </ul>
Hospitals	<p><b>You can complain to the WA Ombudsman about the administrative handling of a public hospital issue (for example, delays, lost property, access to records, or how the hospital handled your complaint).</b></p> <p>You should usually complain to the hospital first. If you are still not satisfied with the hospital's response, you can complain to the Ombudsman.</p> <p><b>Not this:</b> If your complaint is mainly about treatment or clinical care (for example, the care you received, staff conduct while providing care, safety or quality of care, or disability/mental health services), the main complaints body is usually the Health and Disability Services Complaints Office (HaDSCO).</p> <p><i>Example: Andrea complained to a public hospital after a vulnerable family member's property was lost during a transfer. The hospital's response did not address key facts or explain its decision. Andrea then complains to the Ombudsman about the hospital's complaint handling and administrative process.</i></p>
Child Protection	<p><b>You can complain to the WA Ombudsman about child protection services (including services delivered for the Department of</b></p>

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	<p><b>Communities), especially where you believe the decision-making, process, or complaint handling has been unfair, unreasonable, or poorly managed.</b></p> <p>You should usually complain first to the relevant service (for example, the Communities Intensive Family Support (IFS) program or the organisation providing the child protection service). If you are still not satisfied with their response, and the issue continues to affect you, you can complain to the Ombudsman.</p> <p>A complaint could be about:</p> <ul style="list-style-type: none"> <li>• a placement that feels unsafe or too far from family;</li> <li>• contact with family members (whether too much, not enough, or if you are feeling unsafe);</li> <li>• a case plan that doesn't match the child or young person's needs and goals;</li> <li>• issues with a case manager or carer;</li> <li>• a leaving care plan that doesn't support a young person's transition from care;</li> <li>• not having a say about decisions being made; or</li> <li>• how an organisation handled your complaint.</li> </ul> <p><i>Example: The Ombudsman investigated concerns about whether appropriate action had been taken in an IFS matter involving a family where there were reported risks to a child's safety and wellbeing.</i></p>
<p>Vehicle registration</p>	<p><b>You can complain to the WA Ombudsman about the administrative actions of the WA Department of Transport (DoT) relating to vehicle registration and licensing matters (for example, delays, incorrect processing, missing records, or how your complaint was handled).</b></p> <p>You should usually raise the issue with DoT first. If you are still not satisfied with DoT's response, you can complain to the Ombudsman.</p> <p><i>Example: Peter bought a vehicle and sold it a few days later. When he attended DoT to pay fees and lodge paperwork, DoT applied the payment to the wrong transfer. Peter later received a penalty because the correct fee appeared unpaid. After Peter complained to DoT and did not get a clear fix, he complained to the Ombudsman about the administrative error and complaint handling.</i></p>
<p>Fines</p>	<p><b>You can complain to the WA Ombudsman about how a fine was issued, reviewed, or enforced by a WA public authority or local government (for example, delays, errors, unfair process, or poor complaint handling), after you have used the review options available to you.</b></p> <p>You should usually follow the steps on the infringement notice first (for example, request an internal review, nominate another person for vehicle-related offences, or elect to have the matter dealt with in court). If you are still not satisfied after the review process, you can complain to the Ombudsman.</p>

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	<p><b>Not this:</b> If a court has already dealt with the fine, or you have chosen to take the matter to court, the Ombudsman will usually not get involved.</p> <p>In some cases, Ombudsman enquiries may lead the issuing authority to review or withdraw a fine.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <li>• <i>Mark received a parking fine despite having a valid permit displayed. He requested an internal review, but the fine was upheld without a clear explanation. Mark feels the decision was unfair and seeks further assistance from the Ombudsman to review the fine.</i></li> <li>• <i>Emma was fined for not having a valid train ticket, even though she purchased one but lost it during her travel. Her request for an internal review was denied and she believes the decision was unreasonable. Emma contacts the Ombudsman to investigate whether the fine was issued fairly and to seek a resolution that considers her circumstances.</i></li> </ul>
<p>Local government</p>	<p><b>You can complain to the WA Ombudsman about the administrative actions of a local government (a city, town or shire).</b> This can include decisions, delays, failure to follow a fair process, failure to follow policies or law, or poor complaint handling.</p> <p>You should usually raise the issue with the local government first. If you are still not satisfied with their response, you can complain to the Ombudsman.</p> <p><i>Example:</i></p> <ul style="list-style-type: none"> <li>• <i>Mary received a parking fine even though she had a disability parking permit. She asked the local government to review the fine but they refused to properly consider her explanation. After complaining to the local government, Mary complains to the Ombudsman about the review process.</i></li> <li>• <i>Thelma raised concerns about a neighbouring development during local government consultation. She believes the local government did not properly consider her concerns or take appropriate follow-up action. After complaining to the local government without a satisfactory response, Thelma complains to the Ombudsman.</i></li> <li>• <i>Bijan was charged the full waste service fee even though he believes he was eligible for a pensioner discount. After complaining to the local government and being refused a refund or correction, Bijan complains to the Ombudsman.</i></li> </ul>
<p>WA Police</p>	<p><b>You can complain to the WA Ombudsman about Western Australia Police Force and its members, where your complaint is about a matter of administration (for example, delays in following up a report, communication problems, problems with record-keeping, or how your complaint was handled).</b></p> <p>You should usually raise the issue with WA Police first. If you are still not satisfied with their response, you can complain to the Ombudsman.</p>

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	<p><b>Not this:</b> Complaints about serious misconduct or corruption are handled by the Corruption and Crime Commission.</p> <p><i>Example:</i></p> <ul style="list-style-type: none"> <li>• <i>May repeatedly reported ongoing noise and disturbances in her street. She believes police did not follow up, and she did not receive clear information about what action was taken. After complaining to WA Police and still not being satisfied, May complains to the Ombudsman about the lack of follow-up and poor communication.</i></li> </ul>
<p>Prisons</p>	<p><b>You can complain to the WA Ombudsman about the administrative actions of a prison or youth detention centre in WA.</b> This includes how the prison manages a person in custody (for example, decisions about safety management, access to services, property, communications, delays, and how the prison handled a complaint).</p> <p>The Ombudsman can also consider whether the prison has treated a prisoner unreasonably, unjustly or oppressively.</p> <p>A prisoner should usually raise the issue in the prison first (for example, with the Unit Manager) and then escalate within the prison if it is not resolved. If they still do not get a response, or are not satisfied with the outcome, they (or someone acting for them) can complain to the Ombudsman.</p> <p>The Ombudsman will usually need the prisoner’s permission to make enquiries with the prison.</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <li>• <i>Sam says prison staff damaged or lost his property during a cell search. After he complained in the prison and did not get a clear outcome, he complains to the Ombudsman about the prison’s handling of his property complaint and the reasons given.</i></li> <li>• <i>Lucas was placed in segregation for “safety reasons” and says the decision was not properly explained, review steps were unclear, and he could not access support information while segregated. After raising this in the prison without a satisfactory response, he complains to the Ombudsman about the decision-making process and access to support.</i></li> </ul>
<p>Public Housing</p>	<p><b>You can complain to the WA Ombudsman about the administrative actions of a WA Government public housing provider (for example, how maintenance requests are handled, rent and tenancy administration, decisions about tenancy management, delays, communication, or how your complaint was handled).</b></p> <p>You should usually raise the issue with the public housing provider first. If you are still not satisfied with their response, you can complain to the Ombudsman.</p> <p><b>Not this:</b> If your matter is mainly a private tenancy dispute (not public housing), the Ombudsman usually can’t help.</p> <p><i>Examples:</i></p>

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	<ul style="list-style-type: none"> <li>• <i>Nora reported serious mould and repeated maintenance issues in her public housing home. After raising it through the housing provider's maintenance and complaints process without a clear outcome, she complains to the Ombudsman about delays and how the matter was handled.</i></li> <li>• <i>Tom received an eviction notice and believes the process was unfair or based on incorrect information. After trying to resolve it through the housing provider's process, he complains to the Ombudsman about the decision-making and process.</i></li> <li>• <i>Ollie lodged multiple maintenance requests and was told work orders had been raised, but nothing happened for a long time. After complaining and not getting a clear explanation or timeframe, Ollie complains to the Ombudsman about unreasonable delay and poor complaint handling.</i></li> </ul>
<p>Schools and TAFE</p>	<p><b>You can complain to the WA Ombudsman about the administrative actions of a WA Government school or TAFE (for example, unfair or inconsistent decision-making, delays, process problems, or poor complaint handling).</b></p> <p>You should usually raise the issue with the school, TAFE, or the relevant WA Government education authority first. If you are still not satisfied with their response, you can complain to the Ombudsman.</p> <p><b>Not this:</b> If your complaint is about a university or other higher education provider, there is a separate higher-education complaints pathway. (You can still contact the WA Ombudsman if you are unsure where to go.)</p> <p><i>Examples:</i></p> <ul style="list-style-type: none"> <li>• <i>A parent complained to a WA Government school about repeated bullying reports and says the school did not follow its own process or respond within reasonable timeframes. After using the school's complaints steps without a clear outcome, they complain to the Ombudsman about delay and complaint handling.</i></li> <li>• <i>Gemma's TAFE course was cancelled and she believes the process was unfair and the information she received was inconsistent. After complaining to TAFE and not receiving a clear explanation or outcome, she complains to the Ombudsman about the administrative handling of the issue.</i></li> </ul>
<p>Public Transport</p>	<p><b>You can complain to the WA Ombudsman about the administrative actions of a WA Government public transport service (for example, errors in records, delays, unfair process, incorrect decisions, or poor complaint handling).</b></p> <p>You should usually raise the issue with the transport authority first. If you are still not satisfied with their response, you can complain to the Ombudsman.</p> <p><i>Example: Rania's concession status was recorded incorrectly, which caused problems with her account and penalties. She complained to the transport authority and asked for it to be corrected, but the outcome did not clearly explain what went wrong or fix the issue.</i></p>

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	<i>Rania then complains to the Ombudsman about the administrative handling of her concession status and complaint.</i>
Roads	<p><b>You can complain to the WA Ombudsman about the administrative actions of a WA Government Road authority (for example, delays, failure to follow process, inconsistent information, unfair decision-making, or poor complaint handling about a road-related issue).</b></p> <p>You should usually raise the issue with the road authority first. If you are still not satisfied with their response, you can complain to the Ombudsman.</p> <p><i>Example: Hassan reported a hazard on a state-controlled road and later followed up several times. He received delayed and inconsistent responses, and he believes the issue was not handled properly through the authority's complaint process. After raising a complaint with the road authority and not receiving a clear outcome, Hassan complains to the Ombudsman about unreasonable delay and poor administrative handling.</i></p>
Justice Services	<p><b>You can complain to the WA Ombudsman about the administrative actions of a WA Government justice service (for example, delays, lost documents, process errors, unfair administrative decisions, or poor complaint handling by a WA Government department or authority).</b></p> <p>You should usually raise the issue with the relevant agency first. If you are still not satisfied with their response, you can complain to the Ombudsman.</p> <p><b>Not this:</b> The Ombudsman does not re-hear or overturn court or tribunal decisions, and will usually not get involved in issues that a court or tribunal can deal with.</p> <p><i>Example: Elena lodged paperwork with a WA Government justice agency and later discovered it had been misplaced, causing long delays and conflicting advice. After complaining to the agency and not receiving a clear outcome, Elena complains to the Ombudsman about the administrative handling and delay (not about any court decision).</i></p>
Other public sector bodies and office holders (catch-all)	You can also complain to the WA Ombudsman about many other public sector bodies and office holders, as long as they are within the Ombudsman's jurisdiction.
PID / Whistleblowing	<p><b>The WA Ombudsman also accepts Public Interest Disclosures (PID). PID is a separate legal pathway from a complaint, with different rules and protections.</b></p> <p>Use PID only if you are reporting serious wrongdoing in the public sector, such as:</p> <ul style="list-style-type: none"> <li>• improper conduct</li> <li>• an offence under a law</li> <li>• substantial misuse or mismanagement of public resources</li> </ul>

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- a serious risk to public health, safety, or the environment

If your issue is mainly a personal service complaint (for example delay, rudeness, unfair treatment to you, or dissatisfaction with a decision), use the complaints pathway in this factsheet. If you're unsure, start with the complaints pathway unless your main goal is reporting serious wrongdoing.

*Example: A worker at a government-run facility becomes aware that a known safety defect is being ignored and incident reports are being altered to downplay injuries. The worker considers making a PID to report serious wrongdoing and risk to public safety.*

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

Jurisdiction	Description
State	The Ombudsman has powers to hear complaints under the law of Western Australia.
Geographical Scope	The Ombudsman has the power to act on complaints about the conduct of Western Australian public authorities and covered service providers, regardless of where the conduct takes place, including if it occurs in another state.
Time Limitations	Complaints should usually be made within 12 months of when you first became aware of the decision or action. The Ombudsman may accept older complaints if there are special circumstances.
Exclusions	<p>The Ombudsman cannot deal with complaints about:</p> <ul style="list-style-type: none"> <li>• Private individuals or businesses (like banks, finance companies and shops);</li> <li>• Complaints about private electricity and gas providers, which are the jurisdiction of the Energy and Water Ombudsman;</li> <li>• Parliament, its committees, members and staff;</li> <li>• Judges, magistrates or coroners;</li> <li>• Courts and the State Administrative Tribunal;</li> <li>• Commissioners of any court;</li> <li>• The Governor and members of the Governor's establishment;</li> <li>• Cabinet decisions or decisions by Ministers of the Crown; and</li> <li>• Those bodies listed in the Schedule 1 to the Parliamentary Commissioner Act 1971.</li> </ul>
Exercise of discretion	<p>The Ombudsman does not look into every complaint it receives. When deciding whether to investigate a complaint, the Ombudsman can consider any factors appropriate or relevant. Some factors that will commonly be considered include whether:</p> <ul style="list-style-type: none"> <li>• the matter raised in the complaint is trivial;</li> </ul>

Jurisdiction	Description
	<ul style="list-style-type: none"> <li>the complaint is frivolous or vexatious or is not made in good faith;</li> <li>the person aggrieved has not a sufficient personal interest in the matter raised in the complaint;</li> <li>having regard to all the circumstances of the case, the investigation, or the continuance of the investigation of the matter raised in the complaint, is unnecessary or unjustifiable; and/or</li> <li>whether there is another fair pathway for review/appeal (for example, a specialist tribunal/court process that can deal with the issue).</li> </ul> <p>If the Ombudsman decides not to investigate your complaint, you will be informed about the outcome of their consideration, including the reasons for their conclusions.</p>

**Step 3: Who can you make a complaint against?**

The WA Ombudsman deals with complaints about the administrative actions of Western Australian public organisations. “Administrative actions” includes a decision, an action, or a failure to act (including service delivery and complaint handling).	
Respondent	Description
WA State Government departments and authorities	You can complain about administrative action by WA Government agencies (for example, delay, unfair process, poor communication, refusal to act, or poor complaint handling).
Local governments (cities, towns and shires)	You can complain about administrative action by local governments (for example, council decisions, service delivery problems, unreasonable delay, failure to follow a fair process, or poor complaint handling).
WA Police (administration matters only)	You can complain about the Western Australia Police Force and its members where the complaint relates to a matter of administration (for example, delay in following up, communication problems, record-keeping issues, or complaint handling).
Prisons and youth detention	You can complain about administrative action by prisons and youth detention centres in WA (for example, how a person in custody is managed, access to services, conditions, property issues, decisions and processes such as segregation, or complaint handling).
Justice services (WA Government)	You can complain about administrative action by WA Government justice agencies and services (for example, delays, lost documents, process errors, unfair administrative decisions, service delivery issues, or poor complaint handling).

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Schools and TAFE (WA Government)	You can complain about administrative action by WA Government schools and TAFE (for example, unfair or inconsistent decision-making, delays, process problems, or poor complaint handling).
Community service providers delivering a government function	You can complain about administrative action by community service providers delivering a government function as or for a public authority (for example, some services delivered for the Department of Communities).
Contractors and subcontractors (on behalf of government)	You can complain about administrative action taken by a public authority, or on behalf of a public authority, including where services are delivered through contracted arrangements.
Staff members and office holders (within public authorities)	You can complain about what a staff member or office holder did or did not do when delivering a public service, but the Ombudsman will treat it as a complaint about the public authority's administrative action or service delivery.
Universities / higher education	You can complain about administrative action by a WA public university where it is acting as a public authority (for example, administrative decisions, process issues, or complaint handling). For many student complaints about higher education providers, there may also be a separate higher-education complaints pathway.
Exclusions	The Ombudsman generally cannot investigate complaints about: <ul style="list-style-type: none"> <li>• private individuals or private businesses</li> <li>• Parliament (including committees, members and staff)</li> <li>• courts/tribunals and judicial officers</li> <li>• the Governor and the Governor's establishment</li> <li>• certain other excluded bodies listed in Schedule 1 of the Parliamentary Commissioner Act 1971 (WA)</li> </ul>
Additional information	If you are not sure if your complaint is within the jurisdiction of the Ombudsman, you can call the Ombudsman's office to check.

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**Step 4:** Are you eligible to make a complaint?

Eligibility	Description
Who can make a complaint?	Anyone can make a complaint to the Ombudsman, so long as they are personally affected by the decision or action ("person aggrieved"). If that person cannot complain themselves, a representative may be able to complain for them (and the Ombudsman may ask for written authority).
Pre-requisite steps	Before making a complaint to the Ombudsman, you should first try and resolve the issue directly with the organisation involved.

Eligibility	Description
	This step is important as the Ombudsman may ask if you have already attempted to address the problem with the relevant public authority or community service provider. You may be directed to try to resolve the complaint with the relevant public authority or community service provider before the Ombudsman assists.
Can complaints be made on behalf of someone?	<p>In most cases the Ombudsman can only deal with complaints from the person who is personally affected by a decision or action taken by an agency. However, if for any reason you are unable to act for yourself the Ombudsman may accept a complaint form from:</p> <ul style="list-style-type: none"> <li>• A legal or other adviser; or</li> <li>• A family member or other personal representative.</li> </ul> <p>The Ombudsman may ask the person affected to confirm in writing that they are happy for the representative to act for them. See the <a href="#">Reasons for Representation Form</a>.</p>
Exclusions	<p>The Ombudsman may not be able to deal with your complaint if:</p> <ul style="list-style-type: none"> <li>• the conduct occurred more than 12 months ago and there are no special circumstances;</li> <li>• you are not personally affected by the matter; or</li> <li>• your complaint falls outside the Ombudsman's jurisdiction.</li> </ul> <p>The Ombudsman may accept older complaints if there are special circumstances.</p>
Additional information you need to know	<p>The Ombudsman's services are free. You do not need a lawyer for the complaint process, however you can seek legal advice at any time.</p> <p>The Ombudsman has the discretion to decline to investigate certain complaints if they are deemed frivolous or not made in good faith, if you don't have a sufficient interest in the subject matter, or if there is an adequate provision for review under an administrative practice.</p> <p>The Ombudsman may also require that you first attempt to resolve the issue directly with the relevant public authority.</p>

**Step 5:** What remedies are available at this body?

Power	Description
Explanations	It may be possible to resolve the complaint by providing information about the decision-making process or relevant policies or legislation, or by giving reasons for decisions if this has not already been done.
Investigation, Reports and Recommendations	The Ombudsman has the authority to investigate complaints about public organisations particularly those raising serious or systematic issues. These investigations involve gathering evidence, interviewing witnesses, and reviewing documents to determine if there has been any wrongdoing. The Ombudsman may publish outcomes in different

Power	Description
	ways, including reporting to Parliament and sometimes making reports public. Based on the findings, the Ombudsman can make several recommendations to the public authority involved.  The Ombudsman can recommend remedies such as an apology, a change to process, reconsideration, providing reasons, correcting records, and in some cases a payment (for example, a once-off payment), but Ombudsman recommendations are not court orders.
Direct Referral	If the Ombudsman can't assist, they may tell you which other body may be able to help. Where the Ombudsman investigates and finds a problem, they can recommend the matter be reconsidered by the appropriate authority and recommend steps to fix it.
Exclusions	The Ombudsman is not a court or tribunal and cannot force an agency to make a particular decision. The Ombudsman may seek explanations or reasons, but cannot provide legal advice.

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

Requirement	Description
Format	Your complaint needs to be in writing. However, the Ombudsman encourages you to telephone the Ombudsman before making your written complaint so the Ombudsman can advise you on the best way to proceed.  In the first instance, you should phone the Ombudsman's office to make an enquiry about your concerns with government/ publicly funded services. An Enquiry Officer will assist you and determine if your complaint is within the Ombudsman's jurisdiction.  Phone: (08) 9220 7555 or 1800 117 000 (free from landlines).  Further details on where to submit your complaint are set out in Step 7 below.
Personal Details	To lodge a complaint online, the Ombudsman's online complaint form requires these personal details: <ul style="list-style-type: none"> <li>• First and last name;</li> <li>• Contact number; and</li> <li>• Email and postal address.</li> </ul> You can phone to make an enquiry. To lodge a complaint, you generally need to provide your name and address.
Respondent's Details	You should provide the name of the Western Australian public authority or community service provider you are complaining about.
Relevant Facts	When preparing your complaint to the Ombudsman, ensure you include all relevant facts such as:

	<ul style="list-style-type: none"> <li>• What you think has gone wrong;</li> <li>• Times and dates;</li> <li>• How you have been affected by the issue you are complaining about;</li> <li>• Details of telephone conversations and meetings;</li> <li>• Copies of relevant documents (eg letters);</li> <li>• The names of people you have dealt with;</li> <li>• What you have done to try resolve the issue; and</li> <li>• The outcome you are seeking.</li> </ul> <p>If you need help to access the Ombudsman’s services (for example, disability support or an interpreter), tell the Ombudsman when you contact them. Contact the Ombudsman on (08) 9220 7555 or Freecall 1800 117 000.</p>
What NOT to include	Don’t knowingly provide false information or mislead the Ombudsman. Doing so can be an offence.
Additional information you need to know	The Ombudsman will usually contact the agency and may provide it with a copy of your complaint so it can respond. You can receive support from the body to prepare your complaint.

**Step 7: Lodging your complaint and next steps.**

Step	Description
Where to lodge your complaint	<ol style="list-style-type: none"> <li><b>1. Online form:</b> Use the <a href="#">Electronic Complaint Form</a></li> <li><b>2. Post:</b> Print out and complete the <a href="#">Complaint Form</a> and send it to Ombudsman Western Australia, PO Box Z5386, St Georges Terrace PERTH WA 6831</li> <li><b>3. Fax:</b> Print out and complete the <a href="#">Complaint Form</a> and fax it to (08) 9220 7500</li> </ol>
Receipt	<p>When you submit a complaint to the Ombudsman, you will receive a written acknowledgement promptly, confirming that your complaint has been received and lodged. If you make a telephone enquiry, the Ombudsman will respond promptly - generally the same day or by the end of your next work day.</p> <p>The Ombudsman will act on your complaint as quickly as they can (the time the Ombudsman takes will depend on how complex it is) and keep you informed about the progress of your complaint.</p>
Initial Assessment	<p>Once your complaint is received by the Ombudsman, it will be reviewed to determine if it is within their jurisdiction. The key matters that the Ombudsman considers are:</p> <ul style="list-style-type: none"> <li>• Do they have the authority to investigate the public authority you are complaining about?</li> </ul>

Step	Description
	<ul style="list-style-type: none"> <li>• Is your complaint about a matter of administration?</li> <li>• Does the complaint affect you personally?</li> <li>• Have you known about the matter for more than 12 months?</li> <li>• Should the complaint be decided by a court or tribunal?</li> <li>• Is there another body that can deal with the matter?</li> <li>• How does this impact you and the wider community?</li> </ul>
Investigations	<p>The purpose of an investigation is to gather information about your complaint. The Ombudsman can do this in a number of ways. In most cases the Ombudsman asks the agency concerned to comment on the complaint and to provide background information. The Ombudsman usually includes a copy of the original complaint. In all cases the Ombudsman has the ability to interview the individuals involved, examine agency files and, generally, investigate in whatever way is appropriate.</p> <p>When the Ombudsman has looked at the facts, the Ombudsman considers whether the agency has:</p> <ul style="list-style-type: none"> <li>• Acted contrary to law;</li> <li>• Acted unreasonably, unjustly, oppressively or been improperly discriminatory;</li> <li>• Made a discretionary decision for an improper purpose, or taken into account irrelevant considerations or failed to consider relevant considerations;</li> <li>• Failed to provide reasons for a decision when reasons should have been given;</li> <li>• Based a decision wholly or partly on a mistake of law or fact; and/or</li> <li>• Acted wrongly.</li> </ul> <p>The Ombudsman can recommend that the agency take some action to remedy the situation, such as a review of the decision, change administrative practices, issue an apology or a once off payment, if it is warranted.</p>
Outcome	<p>Many complaints are resolved either fully or partially as a result of the Ombudsman's intervention.</p> <p>The Ombudsman can only make recommendations to agencies. The Ombudsman cannot direct action to be taken. However, public authorities generally accept and implement their recommendations.</p> <p>The Ombudsman may send a report about the investigation to the relevant minister or the Premier, table a report in State Parliament, or place a report on their website.</p>

Step	Description
Additional information you need to know	<p>You should try to provide all relevant information and documentation when you first lodge your complaint. This helps to ensure your concerns are understood and action can be taken as quickly as possible.</p> <p>In most cases, documents prepared for an Ombudsman investigation, and information given to the Ombudsman, are not admissible in court or tribunal proceedings, except as permitted or required by law.</p> <p>You should update the Ombudsman about any changes that can impact your complaint, including if the problem has been resolved.</p> <p>It is a good idea to keep a copy of your complaint for your reference.</p>

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

Avenue	Description
Internal review opportunities	<p>If you are unhappy with how your complaint was handled, you can request a review. Reviews are done by a senior officer who was not involved in the original handling of the complaint. Reviews are not automatic and the handling of a complaint is only reviewed once.</p> <p>If the Ombudsman finds problems with its decision-making process or in the way it has managed the investigation, it will improve its processes so that the problem does not occur again. If appropriate, it may also reconsider its decision.</p> <p>The Ombudsman asks that a request for review is made in writing, is addressed to the Ombudsman, and sets out the reasons why you believe the decision is not reasonable or correct.</p> <p>More information is available in the Ombudsman’s Information Sheet: <a href="#">Requesting a review of a decision about a complaint made to the Ombudsman</a>.</p>
External review/ remedies	<p>If you need advice about other legal options, get independent legal advice.</p>

**Step 9:** Other bodies that handle public authority, government service and related complaints

Complaint body	Description
Public Sector Commission	<p>The Public Sector Commission’s job is to develop a future fit public service for the people of Western Australia by strengthening the efficiency, effectiveness and capability of the public sector to meet existing and emerging needs; and deliver high quality services.</p> <p>Website: <a href="https://www.wa.gov.au/organisation/public-sector-commission">https://www.wa.gov.au/organisation/public-sector-commission</a></p> <p>Phone: 61 8 6552 8500</p>

Complaint body	Description
Health and Disability Services Complaints Office (HaDSCO)	<p>HADSCO was established to deal with complaints by negotiated settlement, conciliation or investigation, provide advice and make recommendations for service improvement, educate the community and service providers about complaint handling.</p> <p>Website: <a href="https://www.hadsco.wa.gov.au/">https://www.hadsco.wa.gov.au/</a></p> <p>Phone: (08) 6551 7600 or 1800 813 583 (free from landlines)</p> <p><a href="#">Access the complaint form here.</a></p>
Western Australian Equal Opportunity Commission (EOC)	<p>The EOC is a state body which handles complaints about discrimination in various areas such as employment, education and services.</p> <p>EOC protects and promotes equal opportunity to provide education and resources to help individuals and organisations understand their rights and responsibilities.</p> <p>If a complaint involves administrative actions or decisions by public authorities that may also constitute discrimination, EOC can refer the matter to the Ombudsman with the complainant's consent.</p> <p>Website: <a href="https://www.wa.gov.au/organisation/equal-opportunity-commission">https://www.wa.gov.au/organisation/equal-opportunity-commission</a></p> <p>Phone: 08 9216 3900 or 1800 198 149</p> <p><a href="#">Access the complaints form here.</a></p>
Office of the Western Australian Information Commissioner (OIC)	<p>The OIC oversees freedom of information matters in Western Australia. It may be relevant if the issue is about access to WA Government documents or review of a WA freedom of information decision. WA privacy complaint pathways should be checked against the commencement and scope of the relevant WA privacy laws.</p> <p>Website: <a href="https://www.oic.wa.gov.au/en-au/">https://www.oic.wa.gov.au/en-au/</a></p> <p>Phone: (08) 6551-7888 or 1800 621 244</p> <p><a href="#">Access the complaints form here.</a></p>
Corruption and Crime Commission (CCC)	<p>The CCC is Western Australia's leading anti-corruption body. It works to improve the integrity of the Western Australian public sector and helps public sector agencies to minimise and manage serious misconduct, and assists WA Police to reduce the incidence of organised crime.</p> <p>Website: <a href="https://www.ccc.wa.gov.au/">https://www.ccc.wa.gov.au/</a></p> <p>Phone: 1800 803 186 (toll free)</p> <p><a href="#">Access the complaint form here.</a></p>
Energy and Water Ombudsman Western Australia (EWOWA)	<p>The EWOWA handles complaints about energy and water providers in Western Australia.</p> <p>EWOWA is an independent and impartial service which resolves disputes between customers and providers regarding billing, service quality, and other issues.</p>

Complaint body	Description
	<p>If the issue is about a WA public authority’s administrative handling rather than an energy or water provider dispute, Ombudsman WA may be a separate relevant pathway.</p> <p><a href="#">See the How to Make a Complaint page here.</a></p>
<p><b>Australian Human Rights Commission (AHRC)</b></p>	<p>The 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 your sex, disability, race, age or sexual preference, the AHRC may be able to help.</p> <p>There are also State Government discrimination complaint bodies who may also be able to assist.</p>
<p><b>Office of the Australian Information Commissioner (OAIC)</b></p>	<p>The 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.</p> <p>There are also State Government privacy and information complaint bodies who may also be able to assist.</p>
<p><b>National Anti-Corruption Commission (NACC)</b></p>	<p>The NACC handles complaints about serious or systemic corruption in the Australian Government public sector.</p> <p>WA corruption complaint bodies may also be relevant for WA public sector corruption concerns.</p>
<p><b>State Administrative Tribunal (SAT)</b></p>	<p>The SAT resolves various legal disputes and can make binding determinations.</p> <p>SAT deals with matters such as residential tenancies, planning and environment, civil claims and human rights. It provides a less formal and more accessible alternative to court.</p>

**Need help 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
<b>Western Australian Ombudsman</b>	Website: <a href="#">Ombudsman WA Home</a> Email: <a href="mailto:mail@ombudsman.wa.gov.au">mail@ombudsman.wa.gov.au</a> Telephone: 1800 117 000	You can contact the Ombudsman directly if you have any further questions or need assistance with your complaint.
<b>Translating and Interpreter Service</b>	Website: <a href="http://www.tisnational.gov.au">www.tisnational.gov.au</a> Telephone: 131 450	Provides interpreting and translation services for people if English is not their first language.
<b>National Relay Service</b>	Website: <a href="http://www.accesshub.gov.au">www.accesshub.gov.au</a>	Provides a range of services to support people who are deaf or have a hearing or speech impairment to communicate.
<b>Deaf or Hearing Impaired Users</b>	Telephone: Choose <a href="#">preferred NRS channel</a> 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
<a href="#">Where to Make a Complaint</a>	A list of complaint services depending on your complaint type from the Ombudsman.
<a href="#">How to Make a Complaint</a>	Guidance from the Ombudsman on how to make a complaint.
<a href="#">Call It Out</a>	Online register for racism/discrimination experienced or witnessed towards First Nations Australians. Not an official complaints body.
<a href="#">Law Society: Know Your Rights</a>	Guidance for individuals who are uncertain about where to start when seeking legal advice.