



Appendices

Appendix 1 – Complaints Received and Finalised

Appendix 2 – Legislation

Appendix 3 – Publications

Appendix 1 – Complaints Received and Finalised

| | Total Complaints Received in 2021-22 | Complaints finalised at assessment | | | | Complaints finalised at investigation | | | Total Complaints Finalised in 2021-22 | |
|--|--------------------------------------|------------------------------------|---|---------------------------------------|-----------------------------|---------------------------------------|-----------|--|---------------------------------------|-----------|
| | | Issue not in jurisdiction | More appropriate body to handle complaint | Referred back to the public authority | Investigation not warranted | Resolved | Sustained | Not sustained, cannot be determined, or discontinued | | Withdrawn |
| PUBLIC SECTOR | | | | | | | | | | |
| Agricultural Produce Commission | 1 | | | | | 1 | | | | 1 |
| Biodiversity, Conservation and Attractions, Department of | 4 | | 1 | 1 | 1 | 4 | | | | 7 |
| Central Regional TAFE | 2 | | | | | | | | 2 | 2 |
| Communities, Department of | 224 | 13 | 8 | 55 | 38 | 96 | | 1 | 3 | 214 |
| Construction Training Fund | 1 | | 1 | | | | | | | 1 |
| East Metropolitan Health Service | 5 | | 3 | 2 | | | | | | 5 |
| Education, Department of | 36 | 2 | 6 | 10 | 8 | 8 | | 4 | 1 | 39 |
| Finance, Department of | 24 | 3 | 5 | 4 | 4 | 5 | | | 2 | 23 |
| Fire and Emergency Services, Department of | 2 | | | | | 2 | | | | 2 |
| Forest Products Commission | 1 | | | | 1 | | | | | 1 |
| Gold Corporation | 1 | 1 | | | | | | | | 1 |
| Government Employees Superannuation Board (GESB) | 4 | | 5 | | | | | | | 5 |
| Health and Disability Services Complaints Office | 11 | | | 3 | 4 | 3 | | | | 10 |
| Health, Department of | 92 | 6 | 9 | 37 | 15 | 26 | | 1 | 2 | 96 |
| Insurance Commission of Western Australia | 11 | 2 | 4 | 1 | 2 | 1 | | | | 10 |
| Jobs, Tourism, Science and Innovation, Department of | 2 | | | | 1 | | | | | 1 |
| Justice, Department of | 226 | 12 | 42 | 82 | 48 | 38 | | 3 | 4 | 229 |
| Kimberley Ports Authority | 1 | | | | | 1 | | | | 1 |
| Landgate | 1 | | 1 | | | | | | | 1 |
| Legal Aid WA | 15 | 2 | 4 | 6 | 1 | 1 | | | | 14 |
| Legal Services and Complaints Committee | 7 | | 2 | 1 | 2 | 1 | | | 1 | 7 |
| Local Government, Sport and Cultural Industries, Department of | 5 | | 1 | 2 | 1 | 1 | | | | 5 |
| Lotteries Commission | 2 | | | 1 | | 1 | | | | 2 |
| Main Roads Western Australia | 13 | 1 | 3 | 2 | 2 | 6 | | | 1 | 15 |
| Mental Health Commission | 2 | | | | | 1 | | | 1 | 2 |
| Metropolitan Cemeteries Board | 5 | | | 1 | 2 | 2 | | | | 5 |

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| Mines, Industry Regulation and Safety, Department of | 45 | 4 | 8 | 6 | 15 | 6 | | 1 | 3 | 43 |
| North Metropolitan Health Service | 2 | 1 | 1 | | | | | | | 2 |
| North Metropolitan TAFE | 4 | | 2 | 2 | | | | | | 4 |
| PathWest | | | 1 | | | | | | | 1 |
| Planning, Lands and Heritage, Department of | 10 | 1 | 1 | 1 | 1 | 1 | | 2 | 2 | 9 |
| Premier and Cabinet, Department of the | 2 | 2 | | | | | | | | 2 |
| Primary Industries and Regional Development, Department of | 1 | | | | | 2 | | | | 2 |
| Prisoners Review Board | 2 | | | | 2 | | | | 1 | 3 |
| Public Advocate | 12 | 1 | | 2 | 5 | 6 | 1 | 1 | 1 | 17 |
| Public Sector Commission | 6 | | | 2 | 3 | 1 | | | | 6 |
| Public Transport Authority | 14 | 1 | 4 | 2 | 1 | 6 | | | | 14 |
| Public Trustee | 42 | 2 | 4 | 10 | 7 | 12 | | 1 | 2 | 38 |
| SERCO - Acacia Prison | 37 | 6 | 2 | 15 | 9 | 5 | | | 1 | 38 |
| Small Business Development Corporation | 41 | 3 | | | 5 | 20 | | | | 28 |
| South Metropolitan Health Service | 10 | | 8 | 2 | | 2 | | | | 12 |
| South Metropolitan TAFE | 6 | | 3 | 2 | 1 | 1 | | | | 7 |
| South Regional TAFE | 3 | | | 1 | 1 | 1 | | | | 3 |
| Teacher Registration Board | 1 | | | | | 1 | | | | 1 |
| Training and Workforce Development, Department of | 3 | | 1 | 1 | | | | 1 | | 3 |
| Transport, Department of | 51 | 4 | 7 | 14 | 7 | 27 | | | 2 | 61 |
| Veterinary Surgeons' Board | 4 | | | | 3 | 1 | | | | 4 |
| WA Country Health Service | 12 | | 6 | | 4 | 1 | | | 1 | 12 |
| Water and Environmental Regulation, Department of | 4 | 2 | | | 3 | | | 1 | | 6 |
| Water Corporation | 3 | | 2 | | 1 | | | | | 3 |
| Western Australia Police Force | 161 | 9 | 34 | 84 | 24 | 9 | | 1 | 4 | 165 |
| Western Australian Electoral Commission | 3 | 2 | 1 | | | | | | | 3 |
| Western Power Corporation | 2 | | | 1 | | 1 | | | | 2 |
| Workcover | 1 | | | 1 | 1 | | | | | 2 |
| TOTAL PUBLIC SECTOR COMPLAINTS | 1180 | 80 | 180 | 354 | 223 | 301 | 1 | 17 | 34 | 1190 |

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| LOCAL GOVERNMENT | | | | | | | | | | |
| Albany, City of | 4 | | | 1 | 2 | 2 | | | | 5 |
| Armadale, City of | 10 | | | 2 | 2 | 5 | | | 1 | 10 |
| Ashburton, Shire of | | | | | 1 | | | | | 1 |
| Augusta / Margaret River, Shire of | 3 | 1 | 2 | | 1 | | | | | 4 |
| Bassendean, Town of | 3 | | | | | 2 | | | | 2 |
| Bayswater, City of | 9 | 1 | 4 | 1 | 2 | 1 | | 1 | | 10 |
| Belmont, City of | 4 | | 2 | | | 1 | | | 1 | 4 |
| Bridgetown / Greenbushes, Shire of | 3 | | | | | 2 | | | | 2 |
| Brookton, Shire of | 1 | | | | 1 | | | | | 1 |
| Bunbury, City of | 4 | | | | 2 | 2 | | | | 4 |
| Busselton, City of | 3 | | | 1 | 2 | | | 1 | | 4 |
| Cambridge, Town of | 5 | | | | 1 | | | | | 1 |
| Canning, City of | 7 | | 1 | 1 | 1 | | | 1 | | 4 |
| Capel, Shire of | 1 | | | | | | | | | |
| Carnarvon, Shire of | 3 | | | 2 | 1 | | | | | 3 |
| Claremont, Town of | 2 | | 2 | | | | | | | 2 |
| Cockburn, City of | 26 | 2 | 3 | 2 | 4 | 6 | | | | 17 |
| Coolgardie, Shire of | 1 | | | | 1 | | | | | 1 |
| Cottesloe, Town of | 4 | | 1 | | 3 | | | | | 4 |
| Cranbrook, Shire of | 1 | | 1 | | | | | | | 1 |
| Cunderdin, Shire of | 1 | | 1 | | | | | | | 1 |
| Dardanup, Shire of | 1 | | | 1 | | | | | | 1 |
| Denmark, Shire of | | | | | | 1 | | | | 1 |
| Derby / West Kimberley, Shire of | 3 | 1 | | 1 | | 1 | | | | 3 |
| Donnybrook / Balingup, Shire of | 1 | | | 1 | | | | | | 1 |
| East Fremantle, Town of | 2 | | | | 1 | 2 | | | | 3 |
| Exmouth, Shire of | 1 | | | | 1 | | | | | 1 |
| Fremantle, City of | 17 | 1 | 2 | 2 | 4 | 5 | | | | 14 |
| Gingin, Shire of | 2 | | 1 | 1 | | | | | | 2 |
| Gnowangerup, Shire of | 2 | | | | 1 | 1 | | | | 2 |
| Gosnells, City of | 7 | | | | 1 | 4 | | 1 | | 6 |
| Greater Geraldton, City of | 3 | | 2 | | | 1 | | | | 3 |
| Halls Creek, Shire of | 1 | | | | | 1 | | | | 1 |
| Harvey, Shire of | 2 | 1 | 1 | | 1 | | | | | 3 |
| Irwin, Shire of | 1 | | | | | 1 | | | | 1 |
| Joondalup, City of | 14 | | 2 | 4 | 4 | 4 | | 1 | | 15 |
| Kalamunda, City of | 11 | 1 | 2 | 1 | 2 | 3 | | | | 9 |
| Kalgoorlie / Boulder, City of | 4 | 1 | 1 | | 1 | 1 | | | | 4 |
| Katanning, Shire of | 1 | 1 | | | | 1 | | | | 2 |
| Kwinana, City of | 6 | 1 | 1 | 1 | 2 | 1 | | | | 6 |
| Laverton, Shire of | 1 | | | | 1 | | | | | 1 |
| Mandurah, City of | 13 | | 3 | 4 | 2 | 2 | | | 1 | 12 |
| Manjimup, Shire of | 1 | | | | 1 | | | | | 1 |
| Melville, City of | 17 | | 6 | 1 | 4 | 5 | | 1 | 2 | 19 |
| Merredin, Shire of | 1 | | 1 | | | | | | | 1 |
| Moora, Shire of | 1 | | | | | | | | 1 | 1 |

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| Morawa, Shire of | 1 | | | | | 1 | | | | 1 |
| Mosman Park, Town of | 1 | | | | | 1 | | | | 1 |
| Mt. Marshall, Shire of | 1 | | 1 | | | | | | | 1 |
| Mundaring, Shire of | 6 | | | 1 | 2 | 3 | | 1 | | 7 |
| Murray, Shire of | 1 | | | 1 | | | | | | 1 |
| Nannup, Shire of | 3 | | 1 | | | 1 | | | | 2 |
| Narrogin, Shire of | 2 | 1 | | 1 | | | | | | 2 |
| Nedlands, City of | 6 | 1 | | | 1 | 4 | | 1 | | 7 |
| Northam, Shire of | | | 1 | | 1 | | | | | 2 |
| Northampton, Shire of | 2 | | | | 1 | | | 1 | | 2 |
| Peppermint Grove, Shire of | 1 | | | | | 1 | | | | 1 |
| Perth, City of | 13 | | 7 | 2 | 1 | 2 | | | | 12 |
| Plantagenet, Shire of | 1 | | 1 | | | 1 | | | | 2 |
| Port Hedland, Town of | 1 | | | | | 1 | | | | 1 |
| Rockingham, City of | 15 | 2 | 4 | 1 | 2 | 5 | | 1 | | 15 |
| Serpentine / Jarrahdale, Shire of | 7 | | 4 | | | 2 | | 1 | | 7 |
| South Perth, City of | 7 | 1 | 2 | | 2 | 1 | | | | 6 |
| Stirling, City of | 36 | | 6 | 7 | 9 | 12 | | 2 | 2 | 38 |
| Subiaco, City of | 4 | | 2 | | 1 | 1 | | | | 4 |
| Swan, City of | 10 | | 2 | 2 | 1 | 3 | | 3 | | 11 |
| Three Springs, Shire of | 1 | | | | | | | | | |
| Toodyay, Shire of | 2 | 1 | | | | 2 | | | | 3 |
| Upper Gascoyne, Shire of | 1 | | | | | | | | | |
| Victoria Park, Town of | 13 | | 2 | 2 | 4 | 4 | | | | 12 |
| Victoria Plains, Shire of | 2 | | 1 | | | | | | | 1 |
| Vincent, City of | 7 | 1 | 1 | 2 | 2 | 3 | | 1 | | 10 |
| Wanneroo, City of | 15 | | 1 | 1 | 4 | 5 | | | 1 | 12 |
| Waroona, Shire of | 1 | | | 1 | | | | | | 1 |
| Wyndham / East Kimberley, Shire of | 1 | | | | 1 | | | | | 1 |
| TOTAL LOCAL GOVERNMENT COMPLAINTS | 369 | 18 | 75 | 48 | 82 | 108 | 0 | 17 | 9 | 357 |

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| UNIVERSITIES | | | | | | | | | | |
| Curtin University | 29 | 2 | 2 | 7 | 12 | 2 | | 4 | 1 | 30 |
| Edith Cowan University | 16 | 1 | 1 | 1 | 10 | | | 5 | | 18 |
| Murdoch University | 9 | | 1 | 1 | 5 | 1 | | 1 | | 9 |
| University of Notre Dame | 2 | 1 | | | | | | | 1 | 2 |
| University of Western Australia | 14 | | 3 | 1 | 5 | 1 | | 1 | 1 | 12 |
| TOTAL UNIVERSITIES | 70 | 4 | 7 | 10 | 32 | 4 | 0 | 11 | 3 | 71 |
| | | | | | | | | | | |
| AGENCIES OUT OF JURISDICTION | | | | | | | | | | |
| Organisation not identified | 11 | 2 | 1 | | 4 | | | | 2 | 9 |
| Agencies out of jurisdiction | 703 | 133 | 567 | | 3 | | | | 3 | 706 |
| TOTAL AGENCIES OUT OF JURISDICTION | 714 | 135 | 568 | | 7 | | | | 5 | 715 |
| | | | | | | | | | | |
| TOTAL COMPLAINTS | | | | | | | | | | |
| Total complaints about agencies in jurisdiction | 1619 | 102 | 262 | 412 | 337 | 413 | 1 | 45 | 46 | 1618 |
| Total complaints about agencies out of jurisdiction | 714 | 135 | 568 | | 7 | | | | 5 | 715 |
| GRAND TOTAL | 2333 | 237 | 830 | 412 | 344 | 413 | 1 | 45 | 51 | 2333 |

Appendix 2 – Legislation

Principal Legislation

- Parliamentary Commissioner Act 1971

Legislation and Other Instruments Governing Other Functions

| | |
|--|---|
| Complaints and appeals by overseas students | <ul style="list-style-type: none"> • <u>National Code of Practice for Providers of Education and Training to Overseas Students 2018</u> |
| Public Interest Disclosures | <ul style="list-style-type: none"> • <u>Public Interest Disclosure Act 2003</u> |
| Complaints from residents of the Indian Ocean Territories | <ul style="list-style-type: none"> • <u>Indian Ocean Territories (Administration of Laws) Act 1992</u> • <u>Christmas Island Act 1958 (Commonwealth)</u> • <u>Cocos (Keeling) Islands Act 1955 (Commonwealth)</u> |
| Complaints from persons detained under terrorism legislation | <ul style="list-style-type: none"> • <u>Terrorism (Preventative Detention) Act 2006</u> |
| Inspection of Telecommunications Interception records | <ul style="list-style-type: none"> • <u>Telecommunications (Interception and Access) Act 1979 (Commonwealth)</u> • <u>Telecommunications (Interception and Access) Western Australia Act 1996</u> • <u>Telecommunications (Interception and Access) Western Australia Regulations 1996</u> |
| Scrutiny of police powers in relation to unlawful consorting and prohibited insignia | <ul style="list-style-type: none"> • <u>Criminal Law (Unlawful Consorting and Prohibited Insignia) Act 2021</u> |
| Energy and Water Ombudsman | <ul style="list-style-type: none"> • <u>Economic Regulation Authority Act 2003</u> • <u>Electricity Industry Act 2004</u> • <u>Energy Coordination Act 1994</u> • <u>Water Services Act 2012</u> • <u>Constitution of the Energy and Water Ombudsman (Western Australia) Limited</u> • <u>Charter of the Energy and Water Ombudsman (Western Australia) Limited</u> |

Other Key Legislation Impacting on the Office's Activities

- *Auditor General Act 2006;*
- *Children and Community Services Act 2004;*
- *Corruption, Crime and Misconduct Act 2003;*
- *Disability Services Act 1993;*
- *Equal Opportunity Act 1984;*
- *Financial Management Act 2006;*
- *Industrial Relations Act 1979;*
- *Minimum Conditions of Employment Act 1993;*
- *Occupational Safety and Health Act 1984;*
- *Public Sector Management Act 1994;*
- *Royal Commissions Act 1968;*
- *Salaries and Allowances Act 1975;*
- *State Records Act 2000;* and
- *State Supply Commission Act 1991.*

Appendix 3 – Publications

The following publications are available electronically on the Ombudsman's website at www.ombudsman.wa.gov.au and in hard copy by request to mail@ombudsman.wa.gov.au. Publications can also be made available in alternative formats to meet the needs of people with disability.

Brochures and Posters

About the Ombudsman

- Ombudsman Western Australia Brochure
- Ombudsman Western Australia Summary Poster
- Ombudsman Western Australia Summary Brochure
- Ombudsman Western Australia Summary Postcard
- It's OK to complain – Poster for Young People aged 5 – 10
- It's OK to complain – Poster for Young People aged 10+
- Children and Young People Information Sheet
- 'Have you got a problem?' Information Sheet for Young People aged 5-10
- 'Have you got a problem?' Information Sheet for Young People aged 10+ (translated into 15 community languages)
- It's OK to complain – Postcard for Young People aged 5 – 10
- It's OK to complain – Postcard for Young People aged 10+

Guidelines and Information Sheets for Members of the Public

Making a Complaint

- Making a complaint to the Ombudsman
- How to complain to the Ombudsman (in 18 languages)
- Ombudsman Western Australia Summary Information Sheet
- Complaints by overseas students
- Making a complaint to a State Government agency

How Complaints are Handled

- Overview of the complaint resolution process - Information for complainants
- How we assess complaints
- Assessment of complaints checklist
- Being interviewed by the office of the Ombudsman
- Requesting a review of the handling of a complaint to the Ombudsman

Guidelines and Information Sheets for Public Authorities

General Information

- Overview of the complaint resolution process - Information for public authorities
- Information for boards and tribunals

Information Packages for Public Authorities

The following publications are available as individual documents and as a suite of documents under the headings listed:

Decision Making

- Integrity in decision making
- Exercise of discretion in administrative decision making
- Procedural fairness (natural justice)
- Giving reasons for decisions
- Good record keeping

Effective Complaint Handling

- The principles of effective complaint handling
- Effective handling of complaints made to your organisation
- Complaint handling systems checklist
- Making your complaint handling system accessible
- Guidance for Complaint Handling Officers
- Investigation of complaints
- Procedural fairness (natural justice)
- Good record keeping
- Remedies and redress
- Dealing with unreasonable complainant conduct
- Managing unreasonable complainant conduct: Practice manual
- Complaint Handling at Universities: Australasian Best Practice Guidelines

Conducting Investigations

- Conducting administrative investigations
- Investigation of complaints
- Procedural fairness (natural justice)
- Giving reasons for decisions
- Good record keeping

Management of Personal Information

- Management of Personal Information
- Checklist - Management of Personal Information
- Good practice principles for the management of personal information

Local Government collection of overdue rates for people in situations of vulnerability:
Good Practice Guidelines

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