



Appendices

This section provides additional information to assist readers.

- **Appendix 1 – Complaints Received and Finalised**
- **Appendix 2 – Legislation**
- **Appendix 3 – Publications**

Appendix 1 – Complaints Received and Finalised

| | | Complaints finalised at assessment | | | | Complaints finalised at investigation | | | | | |
|---|--------------------------------------|------------------------------------|---|---------------------------------------|-------------------------------------|---------------------------------------|-----------|---------------------------------------|--------------|-----------|---------------------------------------|
| | Total Complaints Received in 2010-11 | Issue not in jurisdiction | More appropriate body to handle complaint | Referred back to the public authority | Further investigation not warranted | Resolved | Sustained | Not sustained or cannot be determined | Discontinued | Withdrawn | Total Complaints Finalised in 2010-11 |
| PUBLIC SECTOR | | | | | | | | | | | |
| Agriculture and Food, Department of | 3 | 1 | | | | 2 | 1 | | | 1 | 5 |
| Animal Resources Authority | 1 | | | 1 | | | | | | | 1 |
| Attorney General, Department of the | 14 | 2 | 1 | 3 | 5 | 4 | | 1 | | | 16 |
| Botanic Gardens & Parks Authority | 1 | | | | 1 | | | | | | 1 |
| Builders' Registration Board | 3 | | | | 3 | | | | | | 3 |
| Building Disputes Tribunal | 1 | | 1 | | | | | | 1 | | 2 |
| Busselton Water Board | 1 | | | 1 | | | | | | | 1 |
| Cemetery Boards | 3 | | | | 2 | | | | | | 2 |
| Central Institute of Technology | 4 | | | | 3 | 2 | | | | | 5 |
| Challenger Institute of Technology | 3 | | | 1 | 1 | 1 | | 1 | | | 4 |
| Child Protection, Department for | 56 | 2 | 2 | 27 | 12 | 14 | 1 | 2 | | 1 | 61 |
| Communities, Department for | 10 | 3 | | | 1 | 4 | | | | | 8 |
| Commerce, Department of | 21 | 1 | 3 | 6 | 7 | 1 | | | | | 18 |
| Corrective Services, Department of | 302 | 11 | 18 | 125 | 56 | 75 | 9 | 7 | | 12 | 313 |
| Culture and the Arts, Department of | 2 | | | | 1 | | | | | | 1 |
| Curriculum Council | 4 | | | 1 | 1 | 3 | | | | | 5 |
| Disability Services Commission | 4 | | 1 | | | | | | | | 1 |
| East Perth Redevelopment Authority | | | | | | | | 1 | | | 1 |
| Education, Department of | 22 | 1 | | 3 | 9 | 8 | 1 | 8 | | 1 | 31 |
| Education Services, Department of | 1 | | | | 1 | | | | | | 1 |
| Electoral Commission | 1 | 1 | | | 1 | | | | | | 2 |
| Energy, Office of | 1 | | | | | 1 | | | | | 1 |
| Environment and Conservation, Department of | 7 | | | 1 | | 1 | 1 | 4 | | | 7 |
| Environmental Protection Authority, Office of the | 3 | 2 | | | | | 1 | | | | 3 |
| Equal Opportunity Commission | 2 | 2 | | | | | | | | | 2 |
| Fire and Emergency Services Authority | 2 | | 1 | | 1 | | | | | | 2 |
| Fisheries, Department of | 5 | 1 | | 2 | | 2 | | 1 | | | 6 |
| Forest Products Commission | 2 | | | | 1 | | | | | | 1 |
| Gold Corporation | 1 | | | | | 2 | | | | | 2 |
| Government Employees Superannuation Board | 4 | | 2 | | 2 | 1 | | | | | 5 |
| GSL (Aust) Pty Ltd - Transport | | | | | | 2 | | | | | 2 |
| Health, Department of | 33 | 4 | 8 | 5 | 5 | 2 | 2 | 1 | | 2 | 29 |
| Health and Disability Services Complaints Office (formerly Office of Health Review) | 4 | | | | 2 | | | | | | 2 |
| Housing, Department of | 129 | 3 | 1 | 19 | 20 | 66 | | 1 | | 7 | 117 |
| Indigenous Affairs, Department of | 3 | 1 | | | | | | | | 1 | 2 |
| Insurance Commission of Western Australia | 2 | | | | 2 | 1 | 1 | | | | 4 |
| Landgate | 8 | 1 | | | 1 | 3 | 1 | | | 1 | 7 |
| Legal Aid WA | 10 | 2 | 1 | 2 | | 2 | | 1 | | 1 | 9 |
| Legal Practice Board | 2 | | | | 1 | | | | | 1 | 2 |

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| | | Issue not in jurisdiction | More appropriate body to handle complaint | Referred back to the public authority | Further investigation not warranted | Resolved | Sustained | Not sustained or cannot be determined | Discontinued | | Withdrawn |
| Legal Profession Complaints Committee | 5 | 1 | | | 4 | | | | | | 5 |
| Lotteries Commission | 2 | | 1 | 1 | | | | | | | 2 |
| Local Government, Department of | 9 | | | 9 | 8 | 4 | | | | | 21 |
| Main Roads WA | 14 | 1 | | | 5 | 6 | 1 | 1 | | 1 | 15 |
| Mental Health Review Board | 1 | | | | | | | | | | |
| Mines and Petroleum, Department of | 2 | | | | | | | | | | |
| Nurses and Midwives Board of WA | 1 | | 1 | | | | | | | | 1 |
| Pilbara TAFE | | | | | | | | 1 | | | 1 |
| Planning, Department of | 5 | 2 | | | 1 | 2 | | 1 | | | 6 |
| Plumbers Licensing Board | 2 | | | | | | | | | | |
| Podiatrists Registration Board | | | | | | | | 1 | | | 1 |
| Polytechnic West | 2 | | | 1 | | 1 | | | | | 2 |
| Prisoners Review Board | 13 | 1 | 1 | 1 | 8 | 3 | | 1 | | | 15 |
| Psychologists Board of WA | 1 | | 1 | | | | | | | | 1 |
| Public Advocate | 3 | | | | 1 | | | | | 1 | 2 |
| Public Sector Commission | 1 | | | 1 | | | | | | | 1 |
| Public Sector Standards Commissioner, Office of the | 1 | 1 | | | | | | | | | 1 |
| Public Transport Authority | 22 | 2 | | 9 | 3 | 2 | | | | 3 | 19 |
| Public Trustee | 12 | 1 | | 5 | | 5 | | | | | 11 |
| Racing, Gaming and Liquor, Department of | 1 | | | | | 1 | | | | | 1 |
| Real Estate and Business Agents Supervisory Board | 8 | 2 | | | 4 | 1 | | | | 1 | 8 |
| Regional Development and Lands, Department of | 2 | | | 1 | | 1 | | 1 | | | 3 |
| Rottneest Island Authority | 3 | 1 | | 1 | | 1 | | 1 | | | 4 |
| SERCO - Acacia Prison | 61 | 1 | 1 | 24 | 6 | 13 | | | | 2 | 47 |
| Settlement Agents Supervisory Board | 1 | | | | | | | | | 1 | 1 |
| South West Institute of Technology | 2 | | 1 | | 1 | | | | | | 2 |
| Sport and Recreation, Department of | 1 | | | | 1 | | | | | | 1 |
| Tertiary Institutions Service Centre | 1 | | | | | 1 | | | | | 1 |
| Training and Workforce Development, Department of | 6 | | | 3 | | 4 | | | | | 7 |
| Transport, Department of | 67 | 3 | 1 | 17 | 13 | 26 | 2 | | | 5 | 67 |
| Treasury and Finance, Department of | 10 | | 1 | 2 | 2 | | | | | 2 | 7 |
| Veterinary Surgeons' Board | 3 | | | | | 2 | | 1 | | | 3 |
| Water, Department of | 6 | 1 | | | 1 | 3 | 1 | | | | 6 |
| Water Corporation | 37 | 1 | 4 | 14 | 6 | 14 | | | | 1 | 40 |
| West Coast Institute of Training | 1 | | | | | | | 1 | | | 1 |
| Western Australia Police | 147 | 9 | 9 | 60 | 25 | 33 | | 1 | | 5 | 142 |
| Western Australian College of Teaching | 1 | | | | 1 | | 1 | | | | 2 |
| Western Australian Planning Commission | 2 | | | | | 2 | | | | | 2 |
| Western Power Corporation | 2 | 1 | 1 | | | | | | | | 2 |
| Workcover | 5 | | | 1 | 1 | 2 | | 1 | | | 5 |
| TOTAL PUBLIC SECTOR COMPLAINTS | 1138 | 66 | 61 | 347 | 230 | 324 | 23 | 39 | 1 | 50 | 1141 |

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| | | Issue not in jurisdiction | More appropriate body to handle complaint | Referred back to the public authority | Further investigation not warranted | Resolved | Sustained | Not sustained or cannot be determined | Discontinued | | Withdrawn |
| LOCAL GOVERNMENT | | | | | | | | | | | |
| Albany, City of | | | | | | 2 | | | | | 2 |
| Armadale, City of | 3 | | | | 1 | 2 | | | | | 3 |
| Ashburton, Shire of | | | | | | 1 | | | | | 1 |
| Augusta / Margaret River, Shire of | 3 | | | | | 2 | | | | | 2 |
| Bassendean, Town of | 1 | | | 1 | | | | 1 | | | 2 |
| Bayswater, City of | 5 | 1 | | | 1 | 1 | | 1 | | | 4 |
| Belmont, City of | 5 | | | 1 | 1 | 3 | | 1 | | | 6 |
| Boddington, Shire of | 1 | | | | | 2 | | | | | 2 |
| Bridgetown / Greenbushes, Shire of | 1 | | 1 | | | | | | | | 1 |
| Broome, Shire of | | | | | | 1 | | | | | 1 |
| Bunbury, City of | 5 | | | | 1 | 2 | | | | 1 | 4 |
| Busselton, Shire of | | | | | | 1 | | | | | 1 |
| Cambridge, Town of | 5 | 1 | | 1 | 2 | 1 | | | | | 5 |
| Canning, City of | 8 | | | | 5 | 3 | | 1 | | | 9 |
| Capel, Shire of | 1 | | | | | 1 | | | | | 1 |
| Christmas Island, Shire of | 2 | | | | | 1 | | | | | 1 |
| Cockburn, City of | 6 | 1 | 1 | 3 | | | | | | | 5 |
| Collie, Shire of | 1 | | | | | | | | | | |
| Coolgardie, Shire of | 2 | | | | | 2 | | | | | 2 |
| Cottesloe, Town of | 5 | | | | 1 | 1 | | | | 2 | 4 |
| Cranbrook, Shire of | 1 | | | | 1 | | | | | | 1 |
| Cunderdin, Shire of | 1 | | | | | | | 1 | | | 1 |
| Dardanup, Shire of | 1 | | | | | 1 | | | | | 1 |
| East Fremantle, Town of | 2 | | | | | | | 1 | | | 1 |
| Esperance, Shire of | 1 | | | | | 1 | 1 | | | | 2 |
| Fremantle, City of | 9 | 2 | | | 1 | 4 | | 3 | | | 10 |
| Geraldton-Greenough, City of | 2 | | | | | 1 | | | | | 1 |
| Gingin, Shire of | 2 | | | | 1 | | | | | | 1 |
| Gosnells, City of | 3 | | | | 2 | 2 | | | | | 4 |
| Harvey, Shire of | 2 | | | 1 | | | | 2 | | | 3 |
| Joondalup, City of | 16 | | | 1 | 2 | 9 | | | | | 12 |
| Kalamunda, Shire of | 2 | | | | 2 | 1 | 1 | | | | 4 |
| Kellerberrin, Shire of | 1 | | | | | | | | | | |
| Kojonup, Shire of | 1 | | | | | 1 | | | | | 1 |
| Kondinin, Shire of | 1 | | | | 1 | | | | | | 1 |
| Kwinana, Town of | 1 | | | 1 | | | | | | | 1 |

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| Mandurah, City of | 4 | | | | | 3 | | 1 | | | 4 |
| Manjimup, Shire of | 3 | | | | 1 | | | | | | 1 |
| Melville, City of | 16 | | | 1 | 2 | 7 | | 2 | | | 12 |
| Mundaring, Shire of | 10 | | 1 | | | 2 | | 2 | | | 5 |
| Murray, Shire of | 4 | | | | 1 | 1 | | 1 | | | 3 |
| Nannup, Shire of | 1 | | | | | | | 1 | | | 1 |
| Narrogin, Town of | 2 | | | | 1 | 1 | | | | | 2 |
| Nedlands, City of | 3 | | | | 1 | 2 | | | | | 3 |
| Northam, Shire of | 2 | | | | | | | 1 | | 1 | 2 |
| Northampton, Shire of | 1 | | | 1 | | | | | | | 1 |
| Perenjori, Shire of | 1 | | | | | | | | | | |
| Perth, City of | 14 | 1 | 2 | 2 | 6 | 1 | | 1 | | | 13 |
| Plantagenet, Shire of | 1 | | | | | 2 | | | | | 2 |
| Port Hedland, Town of | 1 | | | | 1 | | | | | | 1 |
| Rockingham, City of | 2 | | | | | 1 | | | | | 1 |
| Roebourne, Shire of | 1 | | | | 1 | | | | | | 1 |
| Serpentine / Jarrahdale, Shire of | 4 | | | | 1 | 3 | | 1 | | | 5 |
| Shark Bay, Shire of | 1 | | | 1 | | | | | | | 1 |
| South Perth, City of | 3 | 1 | | 2 | 1 | 2 | | | | | 6 |
| Stirling, City of | 18 | | 1 | | 2 | 13 | 1 | 3 | | 1 | 21 |
| Subiaco, City of | 4 | | | | 1 | | 1 | 1 | | 1 | 4 |
| Swan, City of | 11 | | | | 5 | 3 | | 1 | | 1 | 10 |
| Toodyay, Shire of | 1 | | | | | | | | | | |
| Victoria Park, Town of | 4 | 1 | | | | 2 | | | | | 3 |
| Victoria Plains, Shire of | 1 | | | | | | | | | | |
| Vincent, Town of | 4 | | | | 1 | 2 | | | | 1 | 4 |
| Wanneroo, City of | 8 | | 2 | | 1 | 4 | | 1 | | | 8 |
| West Arthur, Shire of | 1 | | | | | 1 | | | | | 1 |
| Wyndham / East Kimberley, Shire of | 3 | | | | | 1 | | 2 | | | 3 |
| York, Shire of | 4 | | | | 4 | | | | | | 4 |
| Local Government not specifically identified | 1 | | | | 1 | | | | | | 1 |
| TOTAL LOCAL GOVERNMENT COMPLAINTS | 234 | 8 | 8 | 16 | 53 | 97 | 4 | 29 | 0 | 8 | 223 |

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| | | Issue not in jurisdiction | More appropriate body to handle complaint | Referred back to the public authority | Further investigation not warranted | Resolved | Sustained | Not sustained or cannot be determined | Discontinued | | Withdrawn |
| UNIVERSITIES | | | | | | | | | | | |
| Curtin University | 38 | 1 | | 4 | 3 | 8 | | 15 | | | 31 |
| Edith Cowan University | 10 | 1 | | 1 | 2 | 5 | | 2 | | | 11 |
| Murdoch University | 8 | | | 2 | 4 | 2 | | 1 | | | 9 |
| University of Western Australia | 6 | | | 2 | 1 | 2 | | | | | 5 |
| TOTAL UNIVERSITY COMPLAINTS | 62 | 2 | 0 | 9 | 10 | 17 | 0 | 18 | 0 | 0 | 56 |
| | | | | | | | | | | | |
| OUT OF JURISDICTION | | | | | | | | | | | |
| Organisation not identified | | 33 | 8 | 1 | 13 | | | | | 4 | 59 |
| Out of jurisdiction | | 194 | 269 | 7 | | | | | | | 470 |
| TOTAL OUT OF JURISDICTION | 536 | 227 | 277 | 8 | 13 | 0 | 0 | 0 | 0 | 4 | 529 |
| | | | | | | | | | | | |
| TOTAL COMPLAINTS | | | | | | | | | | | |
| Total complaints about agencies in jurisdiction | 1434 | 76 | 69 | 372 | 293 | 438 | 27 | 86 | 1 | 58 | 1420 |
| Total complaints about agencies not in jurisdiction | 536 | 227 | 277 | 8 | 13 | 0 | 0 | 0 | 0 | 4 | 529 |
| GRAND TOTAL | 1970 | 303 | 346 | 380 | 306 | 438 | 27 | 86 | 1 | 62 | 1949 |

Appendix 2 - Legislation

Principal Legislation

- [Parliamentary Commissioner Act 1971](#)

Legislation and Other Instruments Governing Other Functions

| | |
|--|---|
| Telecommunications Interception | <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> |
| Reviewing appeals by overseas students | <ul style="list-style-type: none"> • <u>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</u> |
| Public Interest Disclosure | <ul style="list-style-type: none"> • <u>Public Interest Disclosure Act 2003</u> |
| Indian Ocean Territories | <ul style="list-style-type: none"> • <u>Indian Ocean Territories (Administration of Laws) Act 1992</u> • <u>Christmas Island Act 1958</u> • <u>Cocos (Keeling) Islands Act 1955</u> |
| Terrorism | <ul style="list-style-type: none"> • <u>Terrorism (Preventative Detention) Act 2006</u> |
| Energy Ombudsman | <ul style="list-style-type: none"> • <u>Parliamentary Commissioner Act 1971 (section 34)</u> • <u>Economic Regulation Authority Act 2003</u> • <u>Electricity Industry Act 2004</u> • <u>Energy Coordination Act 1994</u> |

Other Key Legislation Impacting on the Office's Activities

- *Auditor General Act 2006;*
- *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;*
- *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, in various formats, by request to mail@ombudsman.wa.gov.au.

Brochures and Posters

| Ombudsman Brochures and Posters |
|--|
| Ombudsman Western Australia Brochure |
| Ombudsman Western Australia Summary Posters |
| Ombudsman Western Australia Summary Brochure |

Guidelines and Information Sheets

| For Members of the Public | |
|---|---|
| <ul style="list-style-type: none"> How to complain to the Ombudsman (translated into 15 community languages) Making a complaint to the Ombudsman summary information sheet Overview of the complaint management process - Information for complainants Making a complaint to a State Government agency | <ul style="list-style-type: none"> How we assess complaints Assessment of complaints checklist Being formally interviewed by the Ombudsman Requesting the review of a decision Complaints by overseas students Complaining to the Ombudsman – Information for prisoners |
| For Public Authorities | |
| <p>General:</p> <ul style="list-style-type: none"> Information for agencies – About the Ombudsman Information for local governments – About the Ombudsman Information for universities – About the Ombudsman Overview of the complaint management process - Information for public authorities Good record keeping Information for boards and tribunals <p>Decision Making:</p> <ul style="list-style-type: none"> Exercising discretion in administrative decision making Giving reasons for decisions | <p>Effective Complaint Handling:</p> <ul style="list-style-type: none"> The principles of effective complaint handling Effective handling of complaints made to your organisation – An overview Complaint handling system checklist Making your complaint handling system accessible Guidance for complaint handling officers Dealing with unreasonable complainant conduct Managing unreasonable complainant conduct practice manual <p>Conducting Investigations:</p> <ul style="list-style-type: none"> Conducting administrative investigations Investigation of complaints Procedural fairness (natural justice) Remedies and redress |

Publications Developed or Revised and Released During 2010-11

For Complainants

- *Ombudsman's complaint resolution process - Information for complainants*
- *Complaints by overseas students (also available in five community languages)*
- *Complaint form for overseas students*

For Public Authorities – About the Ombudsman

- *Ombudsman's complaint resolution process - Information for public authorities*
- *Information for public sector agencies – About the Ombudsman*
- *Information for local governments – About the Ombudsman*
- *Information for universities – About the Ombudsman*

For Public Authorities – Guidance on Effective Internal Complaints Processes

- *The principles of effective complaint handling*
- *Effective handling of complaints made to your organisation - An overview*
- *Complaint handling systems checklist*
- *Making your complaint handling system accessible*
- *Guidance for Complaint Handling Officers*

For Public Authorities – Collation of Related Guidance Material

The office created a series of binders that collate all the office's relevant guidelines on:

- Decision Making;
- Complaint Handling; and
- Conducting Investigations.