



# Contact details

## **COMPLAINTS 1300 362 072**

(calls from mobile phones are charged at mobile phone rates)

Enquiries 9 am–5 pm Monday to Friday

**Postal** GPO Box 442, Canberra ACT 2601

**Fax** 02 6276 0123

**Email** [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

**SMS** 0413 COM OMB (0413 266 662)

**Web** [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

## The Commonwealth Ombudsman has offices in:

- I **ADELAIDE**
- I **BRISBANE**
- I **CANBERRA**
- I **DARWIN**
- I **HOBART**
- I **MELBOURNE**
- I **PERTH**
- I **SYDNEY**

# Making a complaint to the Ombudsman

JULY 2010





# What does the Ombudsman do?

Under the *Ombudsman Act 1976*, the Commonwealth Ombudsman investigates complaints about the administrative actions of Australian Government agencies.

The Commonwealth Ombudsman:

- is **independent and impartial**
- has wide powers to investigate the actions and decisions of government agencies to see if they are wrong, unjust, unlawful or discriminatory
- works to improve public administration generally.

Where appropriate, the Ombudsman can suggest or recommend a remedy.

## THE OMBUDSMAN'S SERVICES ARE FREE

**We cannot investigate** complaints about the actions of government ministers or politicians; private individuals; state or local governments and some government business enterprises; or private businesses (except for some Australian Government contractors); decisions of courts and tribunals; and public service employment disputes (except in the Australian Defence Force).

# How can the Ombudsman help you?

If you think you have been unfairly treated by an Australian Government department or agency, you can complain to the Ombudsman's office.

**We can investigate** complaints about:

- **AGENCIES** responsible for services such as welfare payments, child support payments, federal health and transport services.
- **SERVICES** delivered by most private contractors for the Australian Government.
- **FREEDOM OF INFORMATION** (FOI) including delays in processing FOI requests and complaints about FOI charges.
- **AUSTRALIAN FEDERAL POLICE** (AFP)  
The Ombudsman is also the Law Enforcement Ombudsman and can investigate complaints about the AFP.
- **DEFENCE FORCE** The Ombudsman is also the Defence Force Ombudsman and investigates complaints from serving and former members of the Australian Defence Force.
- **IMMIGRATION** The Ombudsman is also the Immigration Ombudsman in relation to complaints about immigration and detention matters.
- **POSTAL INDUSTRY** The Ombudsman is also the Postal Industry Ombudsman in relation to complaints about Australia Post and private postal operators registered with the PIO scheme.
- **TAXATION** The Ombudsman is also the Taxation Ombudsman in relation to complaints about the Australian Taxation Office.

# How do you make a complaint?

Start by contacting the relevant agency's complaint handling area to try and resolve the problem. If you have not tried the agency first, we may decide not to investigate your complaint at this stage.

If you want the Ombudsman's office to become involved, you can make a complaint:

- by telephone, fax or email
- in person or in writing
- via the online complaint form at **[www.ombudsman.gov.au](http://www.ombudsman.gov.au)**
- by SMS to 0413 COM OMB (0413 266 662)
- by filling in the attached complaint lodgement form provided here.

**Help us give fair and efficient consideration to your complaint.** Provide as much relevant information as possible so we have a clear picture of the problem. Be specific rather than general, and tell us what action or outcome you would like to see as a result of your complaint.

Someone else can make a complaint for you, but we may still need to contact you to get your approval to proceed.

**Investigations are carried out in private.** You can ask that your name not be given to the agency concerned, but this may make it difficult to deal effectively with your complaint. Anonymous and 'whistleblower' complaints are also accepted.

Investigating in private also means that we may not give you all of the information provided by the agency you complain about, such as copies of letters or documents. If this is the case, we will give you the reasons for our decision.

# What happens when you make a complaint?

Your complaint will be given careful attention. If we have the legal power and resources, we will examine your complaint as promptly as possible. Many complaints are finalised quickly. Complex or more formal investigations may take much longer.

We may ask you for more information such as letters or other documents, or ask you to make your complaint in writing.

**If we do not take up your complaint, we will tell you the reasons why.** If we are unable to help, we may be able to refer you to someone who can, such as:

- the Administrative Appeals Tribunal or other tribunals
- state, territory, industry and specialist Ombudsman
- other complaint-handling agencies.



# How will your complaint be handled?

We will carefully consider your complaint and assess the best way to resolve it. We will usually contact the agency to investigate and find out what they have to say about your complaint. Many complaints can be resolved at this stage without the need for further investigation.

If the cause of the problem is not clear or a solution is not found, we may investigate further by asking more questions and reviewing the agency's files, policies and procedures. We may also require documents to be provided and questions answered in a more formal process.

**We will keep you informed of how your complaint is proceeding.** If we find that an agency has made a mistake or acted wrongly, the Ombudsman can recommend a remedy, such as the agency:

- reconsidering or changing its decision
- apologising
- changing a policy or procedure
- consider paying compensation where appropriate.

We cannot force an agency to do what we recommend. However, the Ombudsman can make a special report to the relevant Minister, Prime Minister and Parliament, or release a public report. Agencies usually act on the Ombudsman's recommendations.

When the investigation is finished we will let you know the result and what the agency will do to solve the problem. If we find the agency has not acted wrongly, we will explain why we reached that view.

You can ask for an internal review of our decisions or actions if you are not satisfied with the way we have handled your complaint. This request should be in writing, and should be submitted within three months from when we advise you of our decision.

## Services available to help you to make a complaint

If you are a non-English speaking person, we can help through the **Translating and Interpreter Service (TIS) on 131 450**.

**National Relay Service (NRS):** if you are deaf, or have a hearing, sight or speech impairment, **TTY users** phone 133 677 then ask for 1300 362 072; **Speak and Listen** users phone 1300 555 727 then ask for 1300 362 072; **Internet Relay** users connect to the NRS ([www.iprelay.com.au](http://www.iprelay.com.au)) then ask for 1300 362 072.

We have information sheets in many community languages, at **[www.ombudsman.gov.au](http://www.ombudsman.gov.au)**, and can provide copies of a large print information booklet.

## What you can expect from us



Our Service Charter sets out the standards of service you can expect from us, and what you can do if those standards are not met.

Copies of the charter are available at **[www.ombudsman.gov.au](http://www.ombudsman.gov.au)** or from our offices.

# Complaint lodgement form

To submit a complaint about an Australian Government agency you can telephone, email, write or visit our website, or you can use this form. Before making a complaint to the Ombudsman, you should try to resolve the problem with the relevant agency's complaint handling area.

Full name

Address

Suburb/Town

State

Postcode

Phone number(s)

Name of Australian government agency you want to complain about

Have you contacted the Australian government agency you are complaining about to try to resolve the problem?

Yes  No

Details of your problem (**attach a separate sheet of paper if necessary**)

What do you think the agency should do about your problem? (**attach a separate sheet of paper if necessary**)

Signature

Date

Tear off form and post to  
**Commonwealth Ombudsman**  
**GPO Box 442, Canberra ACT 2601**

This information will help us to investigate your complaint. We will keep your personal information confidential as far as possible. There may be some circumstances when your personal information will need to be given to others as part of investigating your complaint. Documents held by the Ombudsman are subject to release under the *Freedom of Information Act 1989* (Cth). Information entered on this form will be put into our case management database. We collect, manage, use and disclose personal information under the requirements of the *Privacy Act 1988* (Cth).