

Consumers with disability—Where to go for advice or complaints

It's OK to speak up or complain

Governments and service providers have a role to play in supporting people with disability.

There are different services available for advice or help depending on the issue. This factsheet will help you find the right place to go.

Remember, it's always okay to speak up. If you're unsure about who to contact or what to do about an issue – you can call any of the agencies listed here for help.

Where to go with a complaint

Not happy with your NDIS service provider?	You can complain to the NDIS Quality and Safeguards Commission	NDIS Quality and Safeguards Commission 1800 035 544 www.ndiscommission.gov.au
Not happy with the NDIA's decision about your supports?	You can get a decision reviewed by the National Disability Insurance Agency	National Disability Insurance Agency 1800 800 110 www.ndis.gov.au
Not happy with the NDIS Commission or the NDIA?	You can complain to the Commonwealth Ombudsman	Commonwealth Ombudsman 1300 362 072 www.ombudsman.gov.au
Got a problem with a product or service you bought?	You can complain to your local consumer protection agency	State or territory consumer protection agency Contact details on last page

If you're unsure—there is no wrong door. We can all help you get to the right place.

Not happy with your NDIS service provider?

It's OK to complain if you:

- feel unsafe with your provider
- are not happy with the quality of the services from your provider.

The NDIS Quality and Safeguards Commission

The NDIS Quality and Safeguards Commission (NDIS Commission) is responsible for registering NDIS providers and ensuring that supports are high-quality and safe.

You have the right to complain if you're not happy with your NDIS service provider. You can make complaints about registered or unregistered providers of NDIS supports. Try talking to your provider first, but if you don't want to talk to your provider or you're unhappy with their response, contact the NDIS Commission.

If you're not sure who to contact, the NDIS Commission will help you contact the right organisation.

The NDIS Commission will be available in all Australian states and territories from 1 July 2019, except Western Australia where it will be available from 1 July 2020.

NDIS Quality and Safeguards Commission

1800 035 544 (free call from landlines)
www.ndiscommission.gov.au

Not happy with the NDIA's decision about your supports?

It's OK to complain if you're not happy with:

- the NDIA's decision on your eligibility to access the scheme
- your approved supports under the scheme.

The National Disability Insurance Agency

The National Disability Insurance Agency (NDIA) is responsible for administering the NDIS and developing, funding and managing individual plans.

If you think a decision the NDIA has made about you is wrong, you can have the decision reviewed. Contact the NDIA first so they can do a review.

If you're not satisfied with the NDIA's internal review of a decision, you can appeal the decision to the Administrative Appeals Tribunal (AAT).

National Disability Insurance Agency

1800 800 110 (free call for landlines)
www.ndis.gov.au

Administrative Appeals Tribunal

1800 228 333 (free call for landlines)
www.aat.gov.au

Not happy with the NDIS Commission or the NDIA?

It's OK to complain if:

- you're not happy with the way the NDIS Commission or the NDIA responded to your complaint
- believe the NDIS Commission or the NDIA treated you unfairly or unreasonably.

If you're not happy with the NDIS Commission or the NDIA you should contact them directly and let them know about the issue. Try to resolve your complaint with the agency first. If you're not satisfied with their response to your complaint, then you can contact the Commonwealth Ombudsman.

Commonwealth Ombudsman

1300 362 072

www.ombudsman.gov.au

Got a problem with a product or service you bought?

It's OK to complain if you've got a problem with a product or service you've bought, such as:

- general products like groceries, clothes and household items
- disability products such as an assistive hearing device or mobility aids (including walker, wheelchair, motorised scooter or lift chair)
- services such as cleaning, cooking, personal care, gardening services, accommodation or case management supports.

You have rights if you've got a problem with a product or service you have bought.

The Australian Consumer Law (ACL) protects you when you buy goods or services using your NDIS funding, whether you buy something in-store, online, at home or over the telephone.

If you're not happy with a product or service that you have bought, you should contact the business and explain the problem and how you want it resolved.

If you don't want to talk to the business, or you're unhappy with their response, you can contact the consumer protection agency in your state or territory.

State and territory consumer protection agencies

Australian Capital Territory

Access Canberra
13 22 81
www.accesscanberra.act.gov.au

Queensland

Office of Fair Trading
13 74 68
www.qld.gov.au/fairtrading

South Australia

Consumer and Business Services
13 18 82
www.cbs.sa.gov.au

Tasmania

Consumer, Building and Occupational Services
1300 654 499
www.cbos.tas.gov.au

Northern Territory

Consumer Affairs
1800 019 319
www.consumeraffairs.nt.gov.au

Western Australia

Department of Mines, Industry Regulation and Safety
1300 304 054
www.consumerprotection.wa.gov.au

Victoria

Consumer Affairs Victoria
1300 558 181
www.consumer.vic.gov.au

New South Wales

NSW Fair Trading
13 32 20
www.fairtrading.nsw.gov.au

Australian Competition and Consumer Commission (ACCC)

The ACCC can provide you with information about your consumer rights and take reports about businesses that may have breached the *Competition and Consumer Act 2010*. Guides are available to assist consumers with disability understand their consumer rights and can be found at www.accc.gov.au/disabilityresources

Australian Competition and Consumer Commission

1300 302 502
www.accc.gov.au

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Making a complaint

Talk to the people you have a problem with.



If your problem is not fixed call **HaDSCO**.

You can contact us using the Interpreter Service or National Relay Service if required.



You will need to write down your complaint. You can ask us or someone you trust to help you.



We will look at your complaint and tell you what we can do.



We will talk to you and the service provider to resolve your complaint.



If we are not the right people to help, we will try to help you find someone who can.

Contact us

Our office is open from 8.30am to 4.30pm Monday to Friday.

Complaints and enquiries

**(08) 6551 7600 or
1800 813 583**
(free from landlines)

Interpreter Service:
tinternational.gov.au or 131 450

National Relay Service:
relayservice.gov.au or 1800 555 660

Email: mail@hadsco.wa.gov.au

Web: hadsco.wa.gov.au

Post: PO Box B61 Perth WA 6838

Office: Level 2, 469 Wellington Street, Perth

Administration: (08) 6551 7620

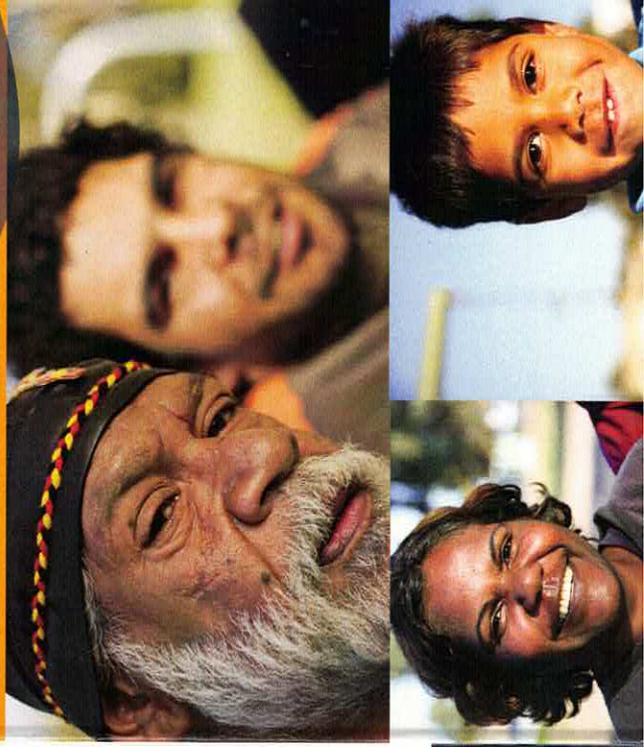
This brochure is available in alternative formats on request.



Health and Disability Services
Complaints Office

**Making complaints
about health,
disability and mental
health services**

hadsco.wa.gov.au



Government of Western Australia
Health and Disability Services Complaints Office

Who we are

The Health and Disability Services Complaints Office (**HaDSCO**) deals with complaints about health, disability and mental health services. Our service is free and available to everyone.

Sometimes patients are unhappy with the service they receive. Usually talking to the service provider directly will get the problem fixed.

If it doesn't, contact us on

(08) 6551 7600

or

Freecall 1800 813 583

(free from landlines)

We will listen to you then talk to you and the service provider to resolve your complaint.

Who you can complain about

We can deal with complaints about health, disability and mental health services including:

- Public Hospitals
- Private Hospitals
- Doctors
- Nurses
- Dentists
- Disability services
- Mental health services
- Prison health services

We usually can't deal with matters that are more than two years old or that have already been to a court, registration board or tribunal.

If this happens, we will try to help you find someone else to help.

What you can complain about

You can complain about someone:

- refusing to provide a service
- providing the wrong service
- not letting you have records
- not respecting your personal information
- charging you too much
- not dealing with a complaint
- not following the rules including the Carer's Charter, Disability Services Standards and Mental Health Care Principles.

Making a complaint

Talk to the people at the service provider about your problem



If your problem is not fixed, or if there are reasons that you do not wish to contact the service provider, contact **HaDSCO**. You can contact us using the Interpreter Service or National Relay Service if required.



Your complaint must be in writing on a HaDSCO Complaint Form. Forms are available on our website at www.hadsco.wa.gov.au or contact us to request a copy be sent by post.



A complaint can be made by the person who received the service or a representative such as a family member, carer or guardian.



When HaDSCO receives your Complaint Form, we will tell you what we can do.



If HaDSCO can help, we may ask you or the service provider for more information.



We will work with you and the service provider to resolve your complaint.



If we are not the right people to resolve your complaint, we will try and help you find someone who can.

Contact us

Our office is open from 8.30am to 4.30pm Monday to Friday.

Complaints and enquiries

**(08) 6551 7600 or
1800 813 583**
(free from landlines)

Interpreter Service:

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Web: hadsco.wa.gov.au

Post: PO Box B61 Perth WA 6838

Office: Level 2, 469 Wellington Street, Perth

Administration: (08) 6551 7620

Further carer support services including counselling, advice and peer support are available from organisations such as Carers WA on 1300 227 377 (carersaustralia.com.au)

This brochure is available in alternative formats on request.



Health and Disability Services
Complaints Office

**Making complaints
about health, disability
and mental health
services as a carer**

Supporting improvement through
complaint resolution



Government of **Western Australia**
Health and Disability Services Complaints Office



hadsco.wa.gov.au

Who we are

The Health and Disability Services Complaints Office (HaDSCO) is an independent Statutory Authority offering an impartial resolution service for complaints relating to health, disability and mental health services in Western Australia and the Indian Ocean Territories.

Our services are free and available to everyone who uses and provides health, disability and mental health services including carers.

What we do

HaDSCO acts impartially and in confidence to support improvements to health, disability and mental health services through resolution and investigation of complaints and providing education and training to service providers in the prevention and resolution of complaints.

HaDSCO encourages that complaints are raised with the service provider in the first instance. A complaint can be lodged by the service user or a nominated representative.

If this proves unsatisfactory, contact HaDSCO to discuss making a complaint and send a completed complaint form. Forms can be downloaded from the website www.hadsco.wa.gov.au or contact HaDSCO to request a form by phone (08) 6551 7600 or email mail@hadsco.wa.gov.au.

Who is a Carer

A Carer is a person who provides ongoing care or assistance to another person with a disability, chronic illness (including mental illness) or a person who, because of frailty, requires assistance with everyday tasks. This definition excludes persons contracted to provide care services and those working as volunteers.

Many fail to identify themselves as a carer, believing they are merely helping a family member or friend.

The *Carers Recognition Act 2004* aims to change the culture of service providers so that the impact on carers is considered when services are assessed, planned, delivered and reviewed. A key part of the Act requires service providers to comply with the *Western Australian Carers Charter*. The Carers Charter states:

- Carers must be treated with respect and dignity
- The role of carers must be recognised by including carers in the assessment, planning, delivery and review of services that impact on them and the role of carers
- The views and needs of carers must be taken into account along with the views, needs and best interests of people receiving care when decisions are made that impact on carers and the role of carers
- Complaints made by carers in relation to services that impact on them and the role of carers must be given due attention and consideration.

What you can complain about

Carers may make a complain on behalf of the person for whom they provide care and also on their own behalf under the Carers Charter. Complaints may include allegations that a health, disability or mental health service provider has acted unreasonably by:

- Failing to comply with the Carers Charter, Disability Service Standards or Mental Health Care Principles
- Refusing to provide a service
- The manner a service was provided
- Providing a service
- Denying or restricting the user's access to records
- Breaching confidentiality
- Charging an excessive fee
- Not effectively dealing with a complaint.

HaDSCO is generally unable to deal with matters that are more than two years old or that have already been determined by a court, registration board or tribunal. In these cases referrals to alternative organisations may be suggested.

Honesty
Accountability
Dedication
Supportive
Confidentiality
Objectivity

Learning from complaints about mental health services



The Health and Disability Services Complaints Office (HaDSCO) is an independent Statutory Authority providing an impartial resolution service for complaints relating to health, disability and mental health services in Western Australia and the Indian Ocean Territories.

HaDSCO can accept complaints about private or public mental health services in Western Australia and the Indian Ocean Territories under [Western Australian Legislation](#) including the *Health and Disability Services (Complaints) Act 1995* and Part 19 of the *Mental Health Act 2014*, Part 6 of the *Disability Services Act 1993*.

HaDSCO can also respond to complaints where a service provider has failed to comply with the [Charter of Mental Health Care Principles](#), including where a service provider has not followed the treatment arrangements in a mental health care plan.

Who can make a complaint?

A complaint can be made by:

- The person who received the service.
- A relative, representative or carer.
- A representative of a person who died.
- A carer, about a failure to comply with the [Western Australian Carers Charter - Carers Recognition Act 2004](#).

What can we learn from complaints?

Complaints are complex and sensitive and highlight the levels of distress for individuals, family members and carers, who want to be heard and their stories told. During the complaints process, support for individuals, family members and carers is important.

Developing a good relationship with a practitioner is important, building and maintaining that trust is critical as well as maintaining dignity and respect.

Concerns often arise when an individual's practitioners are changed. Clear communication is essential. It is not always clear to individuals about their voluntary or involuntary status or what it means to be on a Community Treatment Order. Individuals and carers also want to be involved in decision making, including for discharge and transition to the community, therefore communication and participation in discharge planning is important.

Individuals should be informed about their rights under the *Mental Health Act 2014*. Information about the assessment process, rights and obligations are also important. Individuals do not always know what information is used in a mental health assessment process.

It is important that individuals are given access to the appropriate forms and documents and that they are informed about their ability to obtain assistance from a mental health advocate. Individuals sometimes seek access to their medical records and raise concerns about confidentiality and privacy of information.





What do people complain about?

In 2019-20, 46 per cent of complaints received by HaDSCO related to psychiatry services. Community Mental Health services accounted for the second most complaints at 12 per cent, followed by psychology/psychologist at 11 per cent. Quality of clinical care was an issue in 46 per cent of complaints. These typically included inadequate treatment; therapy or assessment; medication issues; and/or discharge or transfer arrangements.

Treatment

- Access to appropriate services is important.
- Access to services may be declined resulting in concerns amongst individuals, family members or carers.
- Continuity of care is important.
- Individuals can be uncertain about a diagnosis or may disagree with the diagnosis and want a second opinion.
- Some individuals have expressed that they feel distressed and overwhelmed in a clinical environment.
- Admission and discharge are important steps in the process.
- It is important to ensure that the individuals' experience of a mental health service results in them feeling that they are not worse off.

Medication

Access to medication is an important issue and may include uncertainty about the type and use of medications, when they are changed or stopped. Concerns may be raised about modifications to prescriptions when practitioner changes occur.

How do we resolve complaints?

HaDSCO works with individuals and mental health service providers to remedy individual complaints resulting in redress and service improvements where appropriate.

Complaints can be resolved in three ways:

- **Negotiated Settlement** – assist with the exchange of information to reach an outcome acceptable to both parties.
- **Conciliation** – encourage settlement between the parties to assist in reaching an agreement.
- **Investigation** – to determine if there has been unreasonable conduct by the service provider.

HaDSCO's processes are confidential. HaDSCO's staff are impartial; handle complaints with empathy, courtesy and understanding. HaDSCO recognises the diversity of individuals and their unique circumstances and ensures that the complaints service is accessible, including referring to advocacy or support services, where relevant. HaDSCO respects the need for privacy, confidentiality and good communication and keeps parties informed of progress at all stages of the complaints process.

What outcomes are achieved?

There are two component outcomes that can be derived from a complaint, the resolution of matters in dispute between the parties to a complaint and the opportunity for service delivery improvements.

Complaints can give an indicator of service delivery issues and trends in an organisation and can drive system changes. From one complaint, there can be redress for the individual and system changes for many others to improve service delivery.

Complaints can be valuable feedback for service providers and can lead to quality improvements for other service users. Complaints can result in a number of outcomes including service improvements; an explanation or apology; change in policy or procedure; refund or waiver of fees; access to a service; training or education for the service provider.



Many complaints are used as de-identified case studies for training purposes to assist in learning from complaints.

Case Study 1: Patient Rights

An individual was admitted as an involuntary patient under the *Mental Health Act 2014* and was not provided with the relevant forms and information regarding rights to a Mental Health Advocate. HaDSCO facilitated a conciliation meeting for the individual to express their concerns about the impact of the mental health assessment process.

Through this process the service provider apologised to the individual for the distress caused as a result of the mental health assessment. A meeting was arranged to provide the individual with the relevant forms and have their views included as an addendum to the medical record.

As a result of the complaint resolution process, the service provider developed a case study for the orientation program for mental health staff.

Case Study 2: Access to subsidised medication

An individual contacted HaDSCO about the cessation of their access to fully subsidised medication. They advised that they had presented to their psychiatry service and were verbally informed on the day that they could no longer access their exemption voucher that enabled access to the subsidised medication. The individual wanted to know why the change had occurred and what rules had changed to prevent access to the exemption voucher.

As a result of HaDSCO's negotiated settlement process, the service provider gave an explanation about why the

A service improvement was also implemented, whereby, in addition to their current practice of advising patients verbally, the service provider now sends written confirmation to patients confirming the decision in relation to their eligibility for exemption, the reasons for the decision, and what a patient should do if they are unhappy with the decision. A policy update to reflect changes in eligibility criteria was also agreed to.

Case Study 3: Hospital acknowledges role of long-term carer and personal support person

An individual contacted HaDSCO after receiving a response from a hospital to their complaint about not being informed that their partner, an involuntary patient, had changed their personal support person to a relative with whom they rarely had contact. The individual indicated that this resulted in them not being included in ongoing communications with the hospital about their partner's care. The individual informed the hospital that they had been their partner's long-term carer and personal support person. HaDSCO conciliated a meeting between the parties during which the individual's concerns were discussed and acknowledged by the hospital.

As a result of HaDSCO's involvement, the hospital undertook to further educate staff about the *Mental Health Act 2014* in regards to the nomination of a carer or support person. The hospital also implemented processes for communication with long-term carers and support people, and reviewed the process for the distribution of carers' packs to relevant parties involved in a patient's care during their hospital stay.

The hospital used the complaint as a de-identified case study for training purposes to highlight this type of situation. The hospital invited the individual to participate in a carer's forum and to become a member of its carer's focus group.





The Health and Disability Services Complaints Office (HaDSCO) is an independent Statutory Authority offering an impartial resolution service for complaints relating to health, disability and mental health services in Western Australia and the Indian Ocean Territories. Our services are free and available to everyone who uses and provides health, disability and mental health services.

What we do

HaDSCO acts impartially and in confidence to support improvements to health, disability and mental health services through resolution and investigation of complaints and providing education and training to service providers in the prevention and resolution of complaints.

HaDSCO encourages that complaints are raised with the service provider in the first instance. A complaint can be lodged by the service user or nominated representative. If this proves unsatisfactory, a complaint can be raised to HaDSCO.

What you can complain about

Complaints may include allegations that a health, disability and mental health service provider has acted unreasonably:

- by refusing to provide a service.
- by providing a service that should not have been provided.
- in the manner of providing a service.
- by denying or restricting the consumer's access to records.
- by breaching confidentiality.
- by not effectively dealing with a complaint.
- by failing to comply with the Carers Charter, Disability Services Standards and Mental Health Care Principles.

HaDSCO is generally unable to deal with matters that are more than two years old, or that have already been determined by a court, registration board or tribunal. In these cases referrals to alternative organisations may be suggested.

Supporting improvement through complaint resolution

Complaints and enquiries: (08) 6551 7600

Free call: 1800 813 583 (free from landlines)

Admin: (08) 6551 7620

Email: mail@hadsco.wa.gov.au

Web: hadsco.wa.gov.au



Health and Disability Services
Complaints Office (HaDSCO)



Interpreter Service: 131 450 - tisonational.gov.au

National Relay Service:

1800 555 660 - relayservice.wa.gov.au





Our role

The Health and Disability Services Complaints Office (HaDSCO) is an independent Statutory Authority offering an impartial resolution service for complaints relating to health, mental health or disability services in Western Australia and the Indian Ocean Territories. Our services are free and available to everyone.

Our mission

Improvement in the delivery of health and disability services through our two service areas:

- **Service One:** Assessment, negotiated settlement, conciliation and investigation of complaints.
- **Service Two:** Education and training in the prevention and resolution of complaints.

Our vision

Supporting improvements to health, disability and mental health services for Western Australia and the Indian Ocean Territories through complaint resolution.

Our values

HaDSCO's decisions and actions are guided by six core values: Honesty, Accountability, Dedication, Supportive, Confidentiality and Objectivity.

Functions of the Director

The functions of the Director as set out in the *Health and Disability Services (Complaints) Act 1995* are as follows:

- Deal with complaints by negotiated settlement, conciliation or investigation.
- Review and identify the causes of complaints.
- Provide advice and make recommendations for service improvement.
- Educate the community and service providers about complaint handling.
- Inquire into the broader issues of health, disability and mental health care arising from complaints received.
- Work in collaboration with the community and service providers to improve health, disability and mental health services.
- Perform any other function conferred on the Director by the *Health and Disability Services (Complaints) Act 1995* or another written law.

Under this legislation the Director may do all things that are necessary, or convenient to be done, in order to perform the Director's functions.

Supporting improvement through complaint resolution

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Free call: 1800 813 583 (free from landlines)

Admin: (08) 6551 7620

Email: mail@hadsco.wa.gov.au

Web: hadsco.wa.gov.au



Interpreter Service: 131 450 - tisonational.gov.au

National Relay Service:

1800 555 660 - relayservice.wa.gov.au



Commonwealth Ombudsman

The Commonwealth Ombudsman helps to ensure the actions and decisions of Australian Government agencies are fair and reasonable. We take complaints, conduct investigations, perform audits and inspections, make recommendations and encourage good administration. Our role is very broad. We take complaints about:

- almost all Commonwealth functions – such as income support, immigration, the National Disability Insurance Agency and many others
- private health insurance
- Australia Post and some other postal operators
- the Defence Force, including issues about abuse between Defence members
- Vocational Education and Training student loans
- private education providers for overseas students.

We also oversee the Commonwealth Public Interest Disclosure Act and inspect law enforcement and integrity agencies' use of certain covert, intrusive and coercive powers. However, we don't handle complaints about the intelligence community or the tax office.

www.ombudsman.gov.au

1300 362 072

COMMONWEALTH
OMBUDSMAN

Taxation Ombudsman

We investigate your complaints about the Australian Taxation Office (ATO) or Tax Practitioners Board (TPB) and help you:

- Understand ATO/TPB decisions and actions
- Confirm whether appropriate information has been considered by the ATO/TPB in your matter
- Provide assurance as to whether appropriate policies and procedures were followed
- Follow up on delays

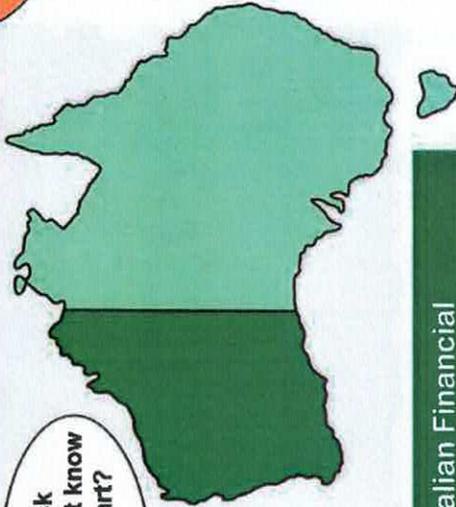
www.igt.gov.au

1300 448 829

Australian Government
Inspector-General of Taxation
Taxation Ombudsman

Free, fair and independent dispute resolution in Western Australia

Who to ask when you don't know where to start?



Australian Financial Complaints Authority

We can help individuals and small businesses to resolve complaints about a range of financial problems, including:

- Errors in banking transactions and credit listings
- Difficulty repaying loans, credit cards and short-term finance
- Denials of insurance claims (such as car, home and contents, pets, travel, income protection and trauma)
- Inappropriate investment advice
- A trustee's decision about the distribution of a superannuation benefit

www.afca.org.au

1800 931 678

afca
Australian Financial
Complaints Authority

Energy & Water Ombudsman Western Australia

We are an independent, impartial body that investigates and resolves complaints about electricity, gas and water providers in Western Australia.

www.energyandwater.ombudsman.wa.gov.au

energyandwater@ombudsman.wa.gov.au

1800754 004

Energy and Water Ombudsman
Western Australia

Telecommunications Industry Ombudsman

We provide a service for residential consumers and small businesses who have an unresolved complaint about their phone or internet service. Some of the phone and internet problems we can help with include:

- Contracts and getting what was agreed to
- Incorrect bills or trouble paying
- Disconnections
- Faults and service difficulties
- Service connection issues

www.tio.com.au

tio@tio.com.au

1800 062 058

Telecommunications
Industry
Ombudsman

Ombudsman Western Australia

We are an independent office of the Western Australian Parliament with responsibility to receive and investigate complaints about State Government agencies, local governments and universities.

www.ombudsman.wa.gov.au

mail@ombudsman.wa.gov.au

1800 117 000

Ombudsman
Western Australia