

Office of the Work Health and Safety Prosecutor — Customer Complaints Management Policy

The Office of the Work Health and Safety Prosecutor (OWHSP) is an independent prosecution office established pursuant to the *Work Health and Safety Act 2011*. OWHSP conducts and defends proceedings under Queensland's workplace and resources health and safety laws.

The OWHSP consists of the WHS Prosecutor and the WHS Prosecutor's staff, and is provided administrative support services by the Office of Industrial Relations (OIR) which is a division of the Department of State Development and Infrastructure (DSDI).

The OWHSP is a public service office listed in Schedule 1 of the *Public Sector Act 2022*.

The staff of the OWHSP are employed pursuant to the *Public Sector Act 2022*.

Purpose

The OWHSP is a public sector entity required to have a customer complaints management system (CMS) in compliance with section 264 of the *Public Sector Act 2022*.

OWHSP's Customer Complaints Management Policy (**Complaints Policy**) is part of OWHSP's CMS and is complemented by a *Customer Complaints Procedure*¹, which ensures the OWHSP:

- takes responsibility for managing the receipt, processing and outcome of customer complaints;
- complies with the Australian Standard about the handling of customer complaints that is in effect from time to time; and
- gives notice of the outcome of customer complaints, unless the complaint was made anonymously.

Key responsibilities

The WHS Prosecutor is responsible for ensuring the OWHSP's CMS complies with section 264 of the *Public Sector Act 2022*.

The WHS prosecutor, as the chief executive of the OWHSP, must before 30 September, after the end of each financial year, publish customer complaints information in accordance with section 264(3) of the *Public Sector Act 2022*.²

Access to our Complaints Policy

Our Complaints Policy is published on our website at [Resources | owhsp](#) (and on the OIR intranet for our staff).

¹ See [Resources | owhsp](#)

² From Financial Year 2024-25 onwards the OWHSP will include this information in the WHS Prosecutor's Annual Report to the Minister which is published at [Resources | owhsp](#).

Our commitment

We are committed to receiving all types of feedback, including complaints, and to effective complaints management to continuously improve our service delivery.

We ensure customer complaints are managed consistent with the:

- *Queensland Public Service Customer Complaint Management Framework (Framework)*; and
- *Queensland Public Service Customer Complaint Management Guideline (Guideline)*.³

We also commit to giving proper consideration to human rights pursuant to the *Human Rights Act 2019* (Qld) and to ensuring complainant information is appropriately managed consistent with the *Information Privacy Act 2009* (Qld).

Guiding principles

Our CMS and Complaints Policy aligns with the following guiding principles in the Framework and Guideline.

Customer focused

People should be able to make a complaint via clear and accessible agency complaint management systems, with complainants respected and responses addressing all issues raised.

Timely and fair

Complaint handling processes are clear, impartial and confidential, with timely acknowledgements and responses.

Clear communication

There are clear and communicated expectations and standards for all parties involved in a complaint.

Accountable

Agency roles and responsibilities for complaint management are clear and publicly available.

Improving services

Complaints improve existing, and inform new, quality services, with complaint management systems helping agencies prevent potential ongoing disputes.

Application of policy

This Complaints Policy only applies to **customer complaints** and not complaints made or managed pursuant to other legislation and/or relevant complaints management processes, such as human rights complaints, privacy complaints, corrupt conduct, public interest disclosures, employee grievances and complaints that are contractual in nature, nor to the rights of administrative review under an Act.⁴ Further this policy does not apply to complaints subject to legal proceedings.

³ Given the administrative support services relationship the OWHSP has with the Office of Industrial Relations (OIR) our policy is informed by and aligned with OIR's *Customer complaints and grievance management policy* and OIR's *Customer complaints management procedure* as far as is possible and appropriate, taking into account our independence. Information on OIR's policy is located at [Home | WorkSafe.qld.gov.au](https://www.worksafe.qld.gov.au)

⁴ When a customer complaint contains issues potentially concerning matters mentioned here, then existing agency investigation and response processes should immediately commence. These agency process requirements (including timeframes) take precedence.

Complaints about the OWHSP received via correspondence to the Director-General of the department to which the OWHSP is attached for administrative support services or its Minister, are out of scope for the OWHSP's customer complaints management system and will not be reported as customer complaints.

What is a customer complaint?

A customer complaint is an expression of dissatisfaction about the service or action of the OWHSP, or its staff, by a person who is directly affected by the service or action, and includes complaints related to:

- a decision made, or a failure to make a decision, by a public service employee of the OWHSP
- an act, or failure to act, by the OWHSP
- the formulation of a proposal or intention by the OWHSP
- the making of a recommendation by the OWHSP
- the customer service provided by a public service employee of the OWHSP.

What is not a customer complaint?

It is not a complaint when our customers:

- request more information
- request a change in services or request a new service
- make a suggestion for improving our services
- provide feedback on the OWHSP's performance
- are not directly affected by the decision or action of the OWHSP
- provide information (e.g. reporting an incident).

For example, the WHS Prosecutor's decisions whether to commence or not commence a prosecution, or to continue or discontinue a prosecution, are legislatively based decisions and are not subject to this policy.⁵

How we manage complaints

We adopt a three tier model of complaint handling consistent with the Australian Standard⁶:

- Level 1: Initial complaint handling
- Level 2: Internal review
- Level 3: External review.

Details of how we implement the three tier model is contained in our *Customer Complaints Procedure*.

Below provides an overview of the steps involved in the complaint process and the timeframes.

Initial complaint handling

⁵ In deciding whether to bring a prosecution the WHS Prosecutor must have regard to any guidelines under the *Director of Public Prosecutions Act 1984*, section 11.

⁶ At the time of publication of this policy it is AS10002:2022,p.38.

When making an initial complaint we need complainants to:

- Describe the complaint, focussing on the major issue/s
- Set out information in a clear, simple and ordered way
- Explain what they think needs to be fixed or changed
- Provide their details (if they would like a response, or so we can gather further information if we need to)
- Outline what outcome they are expecting
- Indicate how they would like to be contacted.

Complainants can choose to remain anonymous when they submit a complaint and it will be registered and reviewed. Although we won't be able to respond to these concerns, anonymous complaints can provide us with useful information that can lead to service improvements.

Complainants (or their authorised representative) can make a customer complaint about us using the following methods:

Written complaints⁷

Complaints are preferably submitted in writing to the OWHSP via enquiries@owhsp.qld.gov.au

Alternatively, a complaint can be sent to:

Office of the Work Health and Safety Prosecutor
PO Box 13278
George Street QLD 4003

The OWHSP does not recognise or accept complaints via social media platforms.

Verbal complaints

You can contact us by phone on **07 3406 9898** between the hours of 9:00am to 4:30pm Monday to Friday (excluding Public Holidays).

The staff member who takes your call initially (*the receiving officer*) may need to arrange a call back or an *in person* interview with a *complaints manager*.

Getting help to make a complaint

If you need help to make a complaint, we can provide you with reasonable assistance to do so.

If it's easier, you can ask someone else to contact us for you. This could be a relative, friend, solicitor, case worker or anyone else. We may need to know that you agree to their help.

Timeframes

We will acknowledge your **initial complaint** within three days of it being received, in the same format as the complaint was received.

⁷ Although it is not OWHSP's preference complainants can submit an online complaint form about the OWHSP via [Contact us | Queensland Government \(www.qld.gov.au\)](https://www.qld.gov.au/contact-us) or via [Compliment or complain about our services | WorkSafe.qld.gov.au](https://www.worksafe.qld.gov.au/compliment-or-complain-about-our-services). If submitted in this way, complainants need to make it clear that the complaint is in relation to the OWHSP to enable timely referral.

We will respond to your initial complaint within 30 business days or sooner if possible. We will proactively advise you if we do not expect to be able to meet this timeframe and will advise you of the new expected timeframe.

Further information on timeframes and what you can expect are contained in our *Customer Complaints Procedure*.

Internal review

If you are not satisfied with our initial response to your complaint, you may ask for an **internal review**. You should make this request in writing, to enquiries@owhsp.qld.gov.au within 20 business days of receipt of us advising you of the outcome of the initial review.

Your request should outline why you are asking for an internal review.

External review

When we have provided a response to an internal review, we will provide you with information about your **external review** rights. For example, many external review requests will be within the jurisdiction of the [Queensland Ombudsman](#).

Unreasonable behaviour when making a complaint

Unreasonable conduct by a complainant is any behaviour which, because of its nature or frequency, raises substantial health, safety or resources issues. This could include **unreasonable** persistence, demands, lack of cooperation, arguments and/or behaviour.

Our policy is to manage unreasonable complainant conduct in a way which ensures staff wellbeing while enabling complaints to be productively resolved and providing complainants with procedural fairness.

The OWHSP currently adopts *OIR's Managing unreasonable complainant conduct procedure* to assist our staff to manage unreasonable complainant conduct. Details of this procedure are available at [Office of Industrial Relations complaints policy | WorkSafe.qld.gov.au](#)

Monitoring and review

The OWHSP complaints approach will be reviewed regularly to ensure it continues to meet requirements.

Information that informs these reviews includes:

- feedback from customers and staff
- the results of internal or external audits, or evaluations
- any changes in policy, legislation or organisational structure.

Authorised by: Simon Nicholson, Work Health and Safety Prosecutor	Authorised on: 17 December 2024
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