

# Office of the Work Health and Safety Prosecutor — Customer Complaints Procedure

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* (WHS Act). 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 (the department).

The OWHSP is a public service office listed in Schedule 1 of the *Public Sector Act 2022* (the PS Act) and the staff of the OWHSP are employed pursuant to the PS Act.

## Purpose

The OWHSP is a public sector entity or agency required to have a customer complaints management system (CMS) including policies, procedures, practices, systems, staff and resources, to manage complaints in compliance with section 264 of the PS Act.

The OWHSP's CMS includes this *Customer Complaints Procedure* (this Procedure) outlining the responsibilities and processes for the consistent management of customer complaints and should be read in conjunction with *OWHSP's Customer Complaints Management Policy* (Complaints Policy), which includes guiding principles.<sup>1</sup>

## Key roles and responsibilities

Complainant	A person or their representative, or an organisational representative who makes a customer complaint to an agency. A representative must be authorised to make the complaint on behalf of the person or organisation. E.g. a parent, relative or person with enduring power of attorney, or an officer of an organisation.
Complaints manager	A complaints manager is an OWHSP officer delegated responsibility to coordinate customer complaints for the office. Their functions may include, but is not limited to, receiving complaints, determining if it is a customer complaint, information gathering, allocation to the relevant complaints officer or internal review officer, correspondence, maintaining OWHSP's complaints register, and reporting.

<sup>1</sup> [Resources | owbsp](#)

	<p>The coordination of a customer complaint may involve one or more complaints manager.</p> <p>In the OWHSP the complaints manager must be at a level AO7 or equivalent or above.</p>
Complaints officer	<p>A complaints officer is an OWHSP officer delegated responsibility to assess and manage a customer complaint for the office. Their functions may include, but are not limited to assessment, referral, correspondence, management, resolution, and escalation.</p>
Customer	<p>A customer is a person or organisation who is apparently directly affected by a service or action of the OWHSP.</p>
External review body	<p>An external review body (for example, Queensland Ombudsman, Queensland Human Rights Commission, or Queensland Civil and Administrative Tribunal) whose purpose includes ensuring agency decision-making is fair, reasonable and proper.</p>
Internal review officer	<p>An internal review officer is an OWHSP employee who conducts an internal review. The officer must be:</p> <ul style="list-style-type: none"> <li>• independent from the original customer complaint; and</li> <li>• in a position equal to, or higher than, the original decision-maker and authorised to make internal review decisions, including recommendations, or be nominated by someone with this authority.</li> </ul> <p>An internal review may involve more than one internal review officer.</p> <p>In the OWHSP the internal review will be conducted by a senior officer (director) or the WHS Prosecutor.</p>
Receiving officer	<p>An OWHSP officer who is/was the first point of contact for a complaint, for example, because they answered the complainant’s initial phone call or received their initial email and/or letter. The receiving officer can be any OWHSP staff member. The receiving officer may or may not perform the role of the complaints manager or complaints officer depending on the circumstances.</p>

#### **OWHSP’s Executive management team (WHS Prosecutor and senior officers)**

- Ensure the OWHSP’s customer complaints management system complies with section 264 of the PS Act.
- Ensure the publication of annual customer complaints data on the OWHSP’s website by 30 September after each financial year, as required under section 264(3) of the PS Act.<sup>2</sup>
- Consider customer complaints management as part of planning and risk management activities.

<sup>2</sup> 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](#).

- Review customer complaint information to inform continual improvements to service delivery and the customer complaints process.
- Review and approve recommendations or actions identified by the complaint officer as a result of the complaint assessment, and ensure the accepted recommendations or actions are implemented.
- Report the implementation progress of any accepted recommendations or actions to the complaints officer for reporting purposes when requested, or when updates or changes have occurred.
- Ensure staff participate in appropriate customer complaint management/internal review training and awareness activities.
- Support staff involved in customer complaints management to ensure their health, safety and wellbeing.

#### **OWHSP staff**

- Apply the OWHSP Complaints Policy and this Procedure and complete relevant training as directed.
- Use clear, respectful language to communicate with complainants.
- Appropriately record the required complaint information from the complainant.
- Direct customers to the OWHSP website if they are seeking information about making a customer complaint.

## **What is a complaint?**

An expression of dissatisfaction made to or about an agency related to its services or actions, or its staff.

## **What is a customer complaint?**

An expression of dissatisfaction about the service or action of a public sector entity (the OWHSP), or its staff, by a person who is apparently directly affected by the service or action.

Examples of customer complaints include:

- 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.

Customer complaints can be referred to OWHSP from other state or federal government agencies, or from local government.

## **What is not a customer complaint?**

It is not a customer 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 the OWHSP's Complaint Policy and this Procedure.**

Other examples of complaints which are not customer complaints per se and are managed through a different process include:

- complaints regarding allegations against employees involving suspected corrupt conduct and public interest disclosures complaints.
- complaints by OWHSP staff about their employment (PS Act and Public Service Commission Directives).
- complaints about decisions made with under the *Right to Information Act 2009* (RTI Act) or *Information Privacy Act 2009* (IP Act).
- complaints about legal decisions managed in accordance with legislation and treated as disputes.
- complaints about decisions made by OWHSP officers under a contract with another party (such as a hire agreement or procurement contract). Any issues that arise will be dealt with under the contract.

#### **Complaints that may be a customer complaint as well as another type of complaint**

Some complaints or matters managed through a different process may also meet the definition of a customer complaint. For example:

- Privacy complaints
- Employee grievances
- Misconduct or corrupt conduct
- Public interest disclosures
- Complaints involving the Public Official of the OWHSP
- Human rights.

When this occurs, the complaint or matter must be recorded as a customer complaint and reported as such. In every other respect, the relevant process requirements (including timeframes) relating to the matters raised above take precedence over the customer complaints management process in relation to managing same.

Further details about other complaints processes are found at the end of this Procedure.

# How we manage customer complaints

OWHSP must manage customer complaints in accordance with OWHSP's Complaints Policy and this Procedure.

A customer complaint will go through seven stages through its lifecycle. While the progression of these stages will not always be linear, each step ensures that complaints are received and appropriately investigated, complainants are kept up to date with the progress of their complaint and the OWHSP continues to learn and improve. Throughout the life cycle OWHSP ensures that *procedural fairness* is provided to the complainant. Stages through the complaint life cycle include:

- Stage 1: Receipt
- Stage 2: Assistance
- Stage 3: Acknowledgement
- Stage 4: Assessment
- Stage 5: Response
- Stage 6: Reporting
- Stage 7: Learning and improvement.

The OWHSP adopts a **three tier model** of complaint handling consistent with the Australian Standard<sup>3</sup>:

## Level 1: Initial complaint handling

- Receive, assist, acknowledge and record
- Assess, resolve or escalate
- Review and decide solution
- Communicate outcome
- Close complaint, record and report, learn and improve

Most complaints will be handled and resolved at this stage.

## Level 2: Internal review

- A merits review involving consideration of whether, based on the information/facts available at the time, the decision made was the correct one (including whether the actions and decisions were lawful, reasonable, fair and not improperly discriminatory).
- It is not a reinvestigation of the complaint.
- It is an impartial review of a decision made about a complaint undertaken by an appropriate officer independent from the original decision maker.

## Level 3: External review.

- An external review process is available for specific types of complaints where an oversight agency, such as the Queensland Ombudsman, or other complaints handling organisation, investigates the handling of a complaint by an agency or deals with complaints that were previously the subject of a complaint to an agency.
- An external review will only occur after the complainant has progressed through the OWHSP's complaint process in the first instance and exhausted any other internal right of review.

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<sup>3</sup> At the time of publication of this policy it is AS10002:2022, p.38.

## Unreasonable behaviour when making a complaint<sup>4</sup>

While complainants have a right to make a complaint, they also have balancing sets of responsibilities regarding their conduct and cooperation.

OWHSP will not tolerate conduct that is abusive, threatening, unreasonable, vexatious, or makes inappropriate demands on OIR's time, resources or staff.

Staff safety and wellbeing is paramount and if complainant conduct creates an unacceptable risk, OIR may discontinue contact with the complainant about the 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.

## Making an initial complaint

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

### Written complaints<sup>5</sup>

Complaints are preferably submitted in writing to the OWHSP via [enquiries@owhsp.qld.gov.au](mailto: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).

We prefer complainants use the enquiries number to ensure that the complaint reaches a member of the OWHSP's administrative support staff at first instance, for triaging purposes.

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<sup>4</sup> The OWHSP adheres to the OIR's *Managing unreasonable complainant conduct procedure*, which is accessible via [Office of Industrial Relations complaints policy | WorkSafe.qld.gov.au](#)

<sup>5</sup> It is possible to submit an online complaint form via [Contact us | Queensland Government \(www.qld.gov.au\)](#) or via [Compliment or complain about our services | WorkSafe.qld.gov.au](#). If you choose to submit your complaints via either of these methods, please make it clear that the complaint is in relation to the OWHSP for triaging and referral purposes, so it can be referred to this office in a timely way for initial complaint handling.

The person who takes the call initially (the receiving officer) may not be the same person who assesses the complaint and the OWHSP may need to arrange a call back or an *in person* interview, with a complaints manager and/or a complaints officer.

### **Getting help to make a complaint**

If a complainant needs help to make a complaint, we can provide reasonable assistance, which may include, but is not limited to:

- access to interpretation or translation services
- access to National Relay Service or teletypewriter services
- easy to read complaint policies and forms
- a contact number to discuss complaint processes prior to lodgement
- the option for the complaint to be recorded in writing for the complainant.

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.

Also see: [Accessibility | owbsp](#)

### **Complainants need to:**

- Lodge a customer complaint with OWHSP within 90 days of the issue occurring of which the complaint is about.
- 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.<sup>6</sup>
- Indicate what outcome they are expecting
- Indicate how they would like to be contacted.
- Provide all relevant information when the customer complaint is made or upon request.
- Understand that OWHSP will endeavour to resolve complaints within the timeframes set in this procedure, but complex complaints can take time to assess, manage and resolve.
- Understand that some decisions, actions or inactions cannot be overturned or changed using the OWHSP's Customer complaints management process.

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<sup>6</sup> 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.

- Inform OWHSP of changes affecting the customer complaint.
- Cooperate in an honest, respectful and timely manner with OWHSP staff.
- Refrain from unreasonable conduct, noting that OWHSP will not tolerate conduct that is abusive, threatening, unreasonable, vexatious, or makes inappropriate demands on the OWHSP's time, resources or staff.
- Comply with any management strategies OWHSP implements to deal with the unreasonable conduct.
- Understand that OWHSP may terminate contact if conduct is too unreasonable to manage, but the complaint will still be dealt with, unless it is frivolous or vexatious.
- Understand that complaints made on an anonymous basis may limit how OWHSP can process and respond to the complaint.
- Have the right to withdraw their complaint at any time. Noting that if a complaint is withdrawn OWHSP may decide to discontinue or continue the complaint process or any other process as a consequence of the complaint.
- If dissatisfied with the outcome of the customer complaint, request an internal review within 20 working days of receiving the complaint outcome.

## Receiving an initial complaint

OWHSP will try to resolve customer complaints quickly at the frontline i.e. the point where the complaint is received.

The OWHSP is a small office and the role of receiving officer, complaints manager and complaints officer may be the same staff member, as long as procedural fairness is maintained.

### Where a customer complaint is communicated over the phone or in person

The **receiving officer** will:

- Obtain as much information as possible about:
  - the nature of the complaint, focussing on the major issue/s
  - what the complainant thinks needs to be fixed or changed
  - their details (if they would like a response, or so we can gather further information if we need to)
  - what outcome they are seeking/expecting
  - how they would like to be contacted.
- Acknowledge** the information has been received and recorded. At this stage the receiving officer may not have been able to determine whether the communication is a customer complaint and/or another type of matter (such as a human rights complaint). If the receiving officer can determine it is a customer complaint at the time, they will acknowledge it as such.



Be polite and courteous, actively listen and seek clarification and confirm issues, relevant information, and outcomes sought and try to meet any reasonable requests that would resolve the matter quickly and efficiently.<sup>7</sup>

Note whether the complainant needs any assistance with lodging their complaint and/or whether there are any vulnerability risk factors (such as, age, disability, impairment, mental health issues, low income, sudden change in circumstances, rural/remote factors, homelessness, issues accessing digital services, etc) to be considered/addressed during the complaints process.

Confirm that anonymous complaints can be accepted, however, the complaint may not be able to be fully investigated if contact information has not been provided.

File note the details in an appropriate format for record keeping purposes.

If the customer complaint is unable to be resolved at the initial point of contact the receiving officer will refer the details to a **complaints manager**, and log a complaint in the **OWHSP customer complaints register** (as open/ongoing).

If the complaint is able to be quickly resolved over the phone or in person, the **receiving officer** will save the records in the records management system and update the **OWHSP customer complaints register**, logging the complaint (as resolved/closed).

Where a customer complaint is initially received in writing (email or letter) the **receiving officer** will:

Quickly refer the correspondence to a **complaints manager**, i.e. on the same day or the next.

## Assessing and responding to customer complaints not able to be quickly resolved

Whether a verbal or written complaint, if it isn't quickly resolved at the first point of contact, the matter is referred to a **complaints manager**.

The **complaints manager** is an OWHSP officer delegated responsibility to coordinate customer complaints for the office. Their functions may include, but are not limited to, receipt of complaints, determining if it is a customer complaint, information gathering, allocation of matters to a complaints officer, monitoring progress of complaints received, maintaining the office's complaints register and reporting.

The coordination of a customer complaint may involve one or more complaints manager.

In the OWHSP, the complaints manager must be at a level AO7 or equivalent or above.

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<sup>7</sup> Such as simply resending correspondence that wasn't received or correcting information that was previously supplied.

### Complaints managers ensure:

A complaint officer is assigned to respond to a complaint. In suitable circumstances, they may assign themselves as the complaint officer.

That initial complaints are acknowledged within three days of being received, in the same format as the complaint was received. (If the complaint was received and responded to over the phone, then only a file note needs to be prepared for record keeping purposes).

The minimum requirements of an acknowledgement are:

- an acknowledgment of receipt of the complaint
- provision of a tracking number or reference
- an indication of the proposed timeframe for a response (the default is as soon as possible within 30 days)
- provision of further information about the customer complaint management process, such as where to locate a copy of OWHSP's Complaint Policy and Complaint Procedure online.

The complainant is advised that if more than 90 days have passed since the action resulting in the customer complaint, that the OWHSP may refuse to consider same unless satisfied that there were exceptional circumstances which contributed to the delay in the complaint (e.g., long term significant ill-health of complainant, flood or other natural disaster affecting the complainant).<sup>8</sup>

That the OWHSP provides a final response to the initial complaint promptly **within 30 business days**.

Customer complaints are managed in a way that is fair to complainants and persons who are the subject of the customer complaint, including that unreasonable complainant conduct is appropriately managed.<sup>9</sup>

Complaints officer are supported with advice where needed, including whether a customer complaint may be frivolous or vexatious.

That the OWHSP proactively (and at the earliest opportunity) advises complainants if we do not expect to be able to meet the 30 day timeframe for a response, the new expected timeframe and officer contact details should they require further information.<sup>10</sup>

That where a customer complaint raises issues that cover multiple agencies that the OWHSP works with those agencies to ensure the complainant receives a clear and coordinated response.

That the OWHSP receives the complainant's consent before sharing their complaint with another agency unless there are legislative obligations or other appropriate reasons consistent with the Privacy Principle in the *Information Privacy Act 2009*.

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<sup>8</sup> This is only applicable if it is definitely a customer complaint and not some other type of complaint where other processing timeframes apply, such as human rights complaints.

<sup>9</sup> The OWHSP adheres to the OIR's *Managing unreasonable complainant conduct procedure*, which is accessible via [Office of Industrial Relations complaints policy | WorkSafe.qld.gov.au](https://www.worksafe.qld.gov.au/office-of-industrial-relations-complaints-policy)

<sup>10</sup> For example, due to staff unavailability resulting from absence on leave etc.

That if the OWHSP is aware that the same complaint has been lodged by a complainant with multiple agencies as well as the OWHSP, that the OWHSP contacts the other agencies included in the complaint to determine what action is to be taken. If the complaint does not fall within the OWHSP's jurisdiction, then ensures a response is sent by the OWHSP advising the complainant accordingly. The OWHSP will endeavour to provide appropriate contact details for the responsible agency or note that their complaint has already been provided to the correct agency.

That the OWHSP advises complainants of their internal review rights when we respond, and that requests for internal review should be made in writing within 20 business days of receipt of the initial response.

#### **Complaints officers:**

Assess customer complaints according to the OWHSP's Complaints Policy and this Procedure.

The initial assessment will consider whether:

the matters raised in the complaint fall within OWHSP's jurisdiction

the complaint is within the scope of OWHSP's Complaint Policy

there are any human rights issues raised by the complaint.

Ensure that where an assessment indicates that human rights, information privacy or corrupt conduct issues may be being raised, the appropriate processes related to these issues are initiated and the complainant is informed of this decision, outlining the agency processes that will be followed including amended timeframes.

Ensure that where they as a public official reasonably suspect that a complaint, or information on a matter involves, or may involve, corrupt conduct, that the Crime and Corruption Commission is notified.

Provide a response to the customer complaint in writing or over the phone<sup>11</sup>.

Ensure responses are tailored to address the issues raised in the customer complaint, as well as contain:

clear, meaningful and accurate reasons why the decision was made, including the relevant policies, legislation and directives used in making the decision (for example, if a complaint is assessed as not being within an agency's scope of services/actions or is referred to another agency the complainant should be advised of this decision and why, and where relevant be advised of the new agency's contact information)

information on actions taken because of the complaint (subject to privacy considerations), including remedies or business improvements

information advising the complainant that they can seek an internal review within 20 working days of receipt of the complaint outcome response if they are dissatisfied with the

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<sup>11</sup> Where a response is provided over the phone, an appropriate file note should be prepared for recordkeeping purposes.

complaint outcome and/or the way the complaint was handled, including relevant contact details

contact details for the relevant OWHSP officer who can be contacted for further information relating to the complaint.

Record and communicate any interactions with the complainant to the complaints manager to update the **OWHSP customer complaints register**.

Manage unreasonable complainant conduct in an appropriate way<sup>12</sup>.

Facilitate reasonable requests for assistance for complainants to make their complaint.

Consider human rights when responding to a customer complaint.

Identify potential vulnerable customers<sup>13</sup> and facilitate appropriate responses to assist and support them during the process.

Provide procedural fairness to complainants and persons who are the subject of the customer.

## Internal review

An internal review is an impartial review of a customer complaint outcome or management process by an employee of the OWHSP who was not the original complaint officer. In the OWHSP they may be undertaken by an officer at the same level or more senior than the first decision maker (but at least at senior officer level).

It is a merits review and is not a reinvestigation of the original complaint but establishes if the customer complaint management process for the original complaint was appropriate and/or whether the outcome reached was reasonable. It involves a consideration of whether, based on the information/facts available at the time, the decision made was a correct one (including whether the actions and decisions were lawful, reasonable, fair and not improperly discriminatory).

### Complainants:

May request an internal review if they are dissatisfied with the way their customer complaint was handled initially and/or they believe the outcome was unreasonable.

Should make a request for an internal review **in writing** to [enquiries@owhsp.qld.gov.au](mailto:enquiries@owhsp.qld.gov.au)<sup>14</sup> **within 20 business days of receipt of OWHSP advising the outcome of the initial review**. However, complainants can access reasonable support regarding this requirement<sup>15</sup>.

Should provide the original complaint tracking number or reference (if known) and attach a copy of the original complaint response from the OWHSP (where applicable).

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<sup>12</sup> The OWHSP adheres to the OIR's *Managing unreasonable complainant conduct procedure*, which is accessible via [Office of Industrial Relations complaints policy | WorkSafe.qld.gov.au](#)

<sup>13</sup> Risk factors for vulnerability include, age, disability or impairment, mental health issues, low income, sudden change in circumstances, rural/remote factors, homelessness, issues accessing digital services etc.

<sup>14</sup> Alternatively, a complaint can be sent to: Office of the Work Health and Safety Prosecutor, PO Box 13278, George Street QLD 4003.

<sup>15</sup> Some available supports are discussed on page 6 of this Procedure.

Must outline why an internal review is being requested:

explain why you believe the original decision was unreasonable or the complaint handling process was unfair or deficient. (An internal review cannot be requested simply because a complainant disagrees with the original decision or process. If you do not do this, OWHSP may decline your request for an internal review).

Note: any new issues raised that were not considered as part of your original complaint will need to be lodged as a separate complaint.

Must outline what outcomes are being sought.

Must refrain from unreasonable conduct, noting that OWHSP will not tolerate conduct that is abusive, threatening, unreasonable, vexatious, or makes inappropriate demands on the OWHSP's time, resources or staff.

Must comply with any management strategies OWHSP implements to deal with the unreasonable conduct.

Must understand that OWHSP may terminate contact if conduct is too unreasonable to manage, but the complaint will still be dealt with, unless it is frivolous or vexatious.

**Internal review officers:**

Manage customer complaints according to the OWHSP Policy and this Procedure.

Check that the request has been lodged within 20 days of receipt by the complainant of the complaint outcome response, noting that requests received outside this timeframe may still be considered but only where there are reasonable ground to do so.

Provide procedural fairness to complainants and persons who are the subject of the customer complaint.

Resolve customer complaints promptly, ensuring the internal review response is provided within 20 days, or proactively advise complainants if this timeframe will not be met (in which case they provide complainants with advice on progress and an amended timeframe response).

Ensure the response includes information about external review rights, including contact details for the relevant external review body, which will often be the Queensland Ombudsman, but not always.<sup>16</sup>

Maintain appropriate records to support each step in the customer complaints and human rights complaints management processes and enable reporting, including departmental reporting.

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<sup>16</sup> For example, "If you are not satisfied with the outcome of your internal review you may ask for an external review by the Queensland Ombudsman. The Queensland Ombudsman may be contacted by phone on (07) 3005 700 during business hours. By mail at GPO Box 3314, Brisbane, QLD 4011. A request for an external review may be lodged via their online complaint form." Many external review requests will be within the Queensland Ombudsman's jurisdiction, but there are other complaint handling organisations, such as The Queensland Human Rights Commission and the Office of the Information Commissioner.

## External review

When the OWHSP has provided a response to an internal review, we will have provided complainants with information about their external review rights.

An external review is a process available to complainants where an oversight agency, such as the Queensland Ombudsman or other complaints handling organisation, investigates the handling of a complaint by an agency or deals with complaints that were previously the subject of a complaint to an agency.

External review processes are managed by the appropriate oversight or complaint handling organisation. The OWHSP will work with the relevant external oversight organisations to assist with their investigations as needed.

## Other complaints processes

### Privacy complaints

Chapter 5 of the *Information Privacy Act 2009* (Qld) allows a person to make a privacy complaint to the Office of the Information Commissioner, provided they have first complained to OWHSP, and 45 business days have elapsed without a response, or the response is considered inadequate.

Complaints about privacy are made under the *Information Privacy Act 2009* (Qld) and they are managed by OWHSP with the support of the OIR Privacy team.

Further information is available on our website at [Privacy | owhsp](#)

### Employee grievances

The Public Sector Commission *Directive 11/20: Individual employee grievances* (Directive 11/20) requires OWHSP establish and implement an individual employee grievance resolution system.

The OWHSP adopts the *OIR Employee complaints policy* noting staff of the OWHSP are employed under the auspices of the department and OIR.

### Misconduct or corrupt conduct

Complaints about alleged misconduct or corrupt conduct can be made under the *Crime and Corruption Act 2001* (Qld), Code of Conduct for the Queensland Public Service, and OIR's Standard of Practice.

Complaints about misconduct or corrupt conduct are managed under *the OIR fraud and corrupt conduct investigation procedure*. The OWHSP adopts OIR's policy.

### Public Interest Disclosures (PID)

The *Public Interest Disclosure Act 2010* (Qld) requires agencies provide appropriate avenues for reporting allegations of corrupt conduct, maladministration or danger to the environment.

PIDs are managed under the *OIR Public Interest Disclosure procedure*.

### Complaints involving the public official (WHS prosecutor)

Section 48A of the *Crime and Corruption Act 2001* (Qld) requires the OWHSP have a policy regarding how to make complaints about the public official of the OWHSP.

These complaints are managed under the OWHSP policy — *Complaints about the Public Official of the Office of the Work Health and Safety Prosecutor*. See [Resources | owbsp](#)

### Human rights

The *Human Rights Act 2019* (Qld) requires all staff to consider human rights when making decisions and make sure that decisions and actions are compatible with human rights. The Act also requires the department to include details in their annual report about any human rights complaints received and the outcomes of those complaints.

Complaints managed under each of the above complaints processes can also be human rights complaints and human rights must be considered as part of the complaints process.

Authorised by: Simon Nicholson, Work Health and Safety Prosecutor	Authorised on: 17 December 2024
Review date: 17 December 2026	